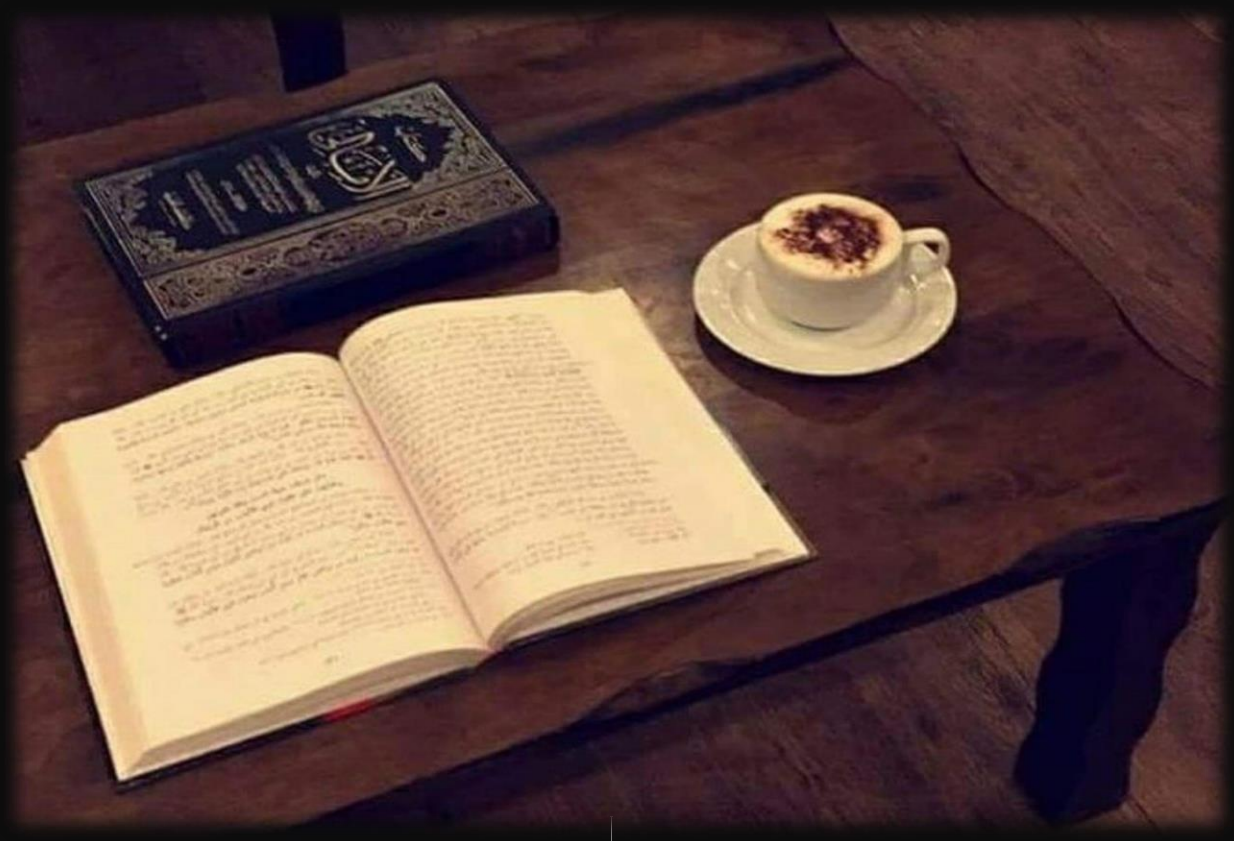

BENEFITS THAT SIMPLIFY THE TOPIC OF:

ASMĀ' WAL-AHKĀM

Abū Bakr at-Tarābulsī al-Hanbalī

Edited by Umm 'Ā'ishah al-Hanbalīyyah

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بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيْمِ

Jumādā al-Awwal 1441 AH

EDITOR'S NOTE:

The issue of studying Asmā' (Labels) & Ahkām (Rulings) — understanding certain labels (Sinner, Fāsiq, Kāfir etc...), and knowing when to apply them, the topic of Īmān, differed upon issues etc... — was something that the author used to constantly emphasise on, due to its extreme importance; as gaining a thorough understanding of this topic protects one from deviation and misguidance in the Dīn. May Allāh protect us.

The author has written 10 main points, and each point has been divided into several subheadings for convenience. An Index of Sects and Glossary of Arabic Terms used within this treatise has been added at the end, so ensure you familiarise yourself with those important terms.

May Allāh honour and preserve Abū Bakr at-Tarābulsī for writing all these benefits in his prison cell — an ocean of knowledge and a gift from Allāh to this Ummah. May Allāh accept from him. Bi'ithnillāh it will be a means of Sadaqah Jāriyah (ongoing charity) for him.

May Allāh hasten his release and all the Muslim prisoners. Keep him and us in your 'adiyat.

— Umm 'Ā'ishah al-Hanbalīyyah.

Introduction

All praise belongs to Allāh, the Lord of the worlds, and may the peace and blessings of Allāh be sent upon the noble Prophet Muhammad (صلى الله عليه وسلم), to proceed;

I decided to summarise the major principles used in applying Islāmic labels and rulings in 10 points as it's the most disputable topic of our time, and since I've constantly revised this topic with myself and others, I felt it necessary to benefit others so they can read the statements of the scholars with a precise understanding Inshā'Allāh.

Everything I've mentioned and quoted is from what I've learnt and pondered over by memory, as I don't have resources here in Goulburn Supermax prison, except for 2 great books I've constantly revised, "Nūr al-Īdāh" with its explanation according to the Hanafī school of thought, and "Kitāb al-Fiqh 'ala al-Mathāhib al-Arbā'ah" which summarises the official position of every school of thought in all sections of Fiqh by al-Jazīrī (Died 1360AH). Recently, I've revised the 9th volume of "Tafsīr Ibn Kathīr", along with an Arabic-English dictionary, and memorising the Qur'ān, so that's the little I have but great in blessings and sufficient to constantly study and ponder over.

The reason why this topic of applying labels & rulings is so important is because it returns back to agreeing or opposing Allāh's verses, and carries many implications, such as loyalty, who you give your daughter in marriage too, testimonies, dealings with people, and who to pray behind etc...

Allāh says in the Qur'ān, *"Not equal are the dwellers of the Fire and the dwellers of the Paradise. It is the dwellers of the Paradise that will be successful."*[1] *[59:20]*

This signifies the importance of not considering the dwellers of the Fire and dwellers of Paradise as equal.

Allāh also says, *"Or do those who earn evil deeds think that We shall hold them equal with those who believe and do righteous good deeds, in their life and their death?"*[2]

[1] Sūrah Al-Hashr, Āyāh 20.
[2] Sūrat Al-Jāthiyah, Āyāh 21.

Imām Ibn Kathīr (رحمه الله) says, "Treat them equally in the present life of the world and in the Hereafter?" Then Allāh continues to say in the same verse: *"Worst is the judgement that they make"*.

Ibn Kathīr comments, "Worst is the thought that they have about Us and Our justice, thinking that We will ever make pious and the wicked equal in the Hereafter or in this life. At-Tabarānī recorded that Shu'bah said that 'Amr Ibn Murrah narrated that Abū ad-Duhā said that Masrūq said that Tamīm ad-Dārī once stood in voluntary prayer through the night until the morning only reciting this verse [45:21]."[3]

Allāh also says, *"And not equal are the blind and those who see: Nor are those who believe and do righteous good deeds equal with those who do evil. Little do you remember!"*[4]

Allāh says, *"Shall We treat those who believe and do righteous good deeds we corrupters on Earth? Or shall We treat those who have piety as the wicked?!"*[5]

Allāh also says, *"Do you wish to guide the one Allāh has misguided?!"*[6]

All these verses teach us the seriousness on considering the believer and disbeliever equal in this world or the next, which also shows you how bad the disbelief of nationalism is that's found in Saudi for instance. As the Saudi Regine holds people equal in accordance with their citizenship, which is disbelief, as they treat the Saudi citizen better than the Kashmīrī Muslim, even if the Saudi citizen was a disbeliever. In fact, they take it further and call their Ismā'īli citizens as "Muslims" which is disbelief according to consensus. On top of that, they call it a "Just Law/Rule" which is a 3rd disbelief as Imām Siddīq Hasan Khān (Died 1317AH) stated regarding whoever labels a man-made law as just, even a single ruling which opposes Qur'ān, since Allāh has labelled it oppressive and offensive.

So, when we live in a time where we see Arab & Turkish governments surrendering Muslims to the disbelievers clearly collaborating with them, seeking judgement from UN, punishing Muslims in their judiciary systems for commanding good and forbidding evil, or refusing to stand, and we have people

[3] At-Tabarānī's "Mu'jam" (2/50).
[4] Sūrah Ghāfir, Āyāh 58.
[5] Sūrah Sād, Āyāh 28.
[6] Sūrah an-Nisā', Āyāh 88.

excusing them, is a major problem in our time. In fact, even if someone excuses them and the laws of disbelief found in Saudi army such as "do what you're ordered, and question later", regardless if it's prohibited or not, how can someone defend oppression, in fact al-Jazīrī says those armed highway robbers who cause corruption on Earth aren't just citizens, but also regimes who are also the biggest spies, so how can they be defended.

To end this introduction, the summary and conclusion of this treatise is the following rule;

"Every Mukallaf (accountable individual) who falls into disbelief is a disbeliever".

If someone claims a person committed disbelief, but isn't a disbeliever, then the individual is not accountable (sinful), or that he hasn't committed disbelief, there are no other alternatives. It would also prove that the Excuser views shirk as permissible according to the intellect, and only prohibited by a text, or that it's not considered disbelief in and of itself as it would be shown Inshā'Allāh, as if the intellect prohibited shirk, no-one would be excused for polytheism.

May Allāh accept this piece of work, Āmīn.

— Written by Radwān Dakkāk (Abū Bakr at-Tarābulsī).

1) <u>Who does the speech of Allāh address?</u>

According to the agreement of scholars, the speech of Allāh & His Prophet (صلى الله عليه وسلم) address "specific individuals" who are mukalafeen (legally responsible). This Ijmā' was cited by Imām Ibn 'Aqīl al-Hanbalī (Died 513AH),[7] although scholars can differ on when a person is considered "legally responsible" (held to account), such as, if a, drunk Muslim issues a statement of divorce or Kufr.

[1.1 The implications of not understanding who the speech of Allāh addresses]

The reason this point is crucial to know is to further understand what it means when someone claims "This is a general sin" or "This is general Kufr", as it only implies 2 things according to Ahlus-Sunnah (This topic is found in most books of Fiqh — "The condition which obligates Salāh/Siyām/Hajj etc..."");

i) He's not held accountable (Mukallaf), thus it's like he has not committed any sin to begin with.

ii) It's not considered a "clear sin" or "clear Kufr" (Sareeh) in & of itself, but it can reach a clear sin when doubts are removed, or it's only clear Kufr when doubts are removed, and this returns back to innovations which oppose the text, whereby the clear Kufr only occurs when a person is considered "denying the text without valid doubts", and this will become clear in the next points Insha'Allāh.

This is what Imām Shams ad-Dīn Ibn 'Ābdīn al-Hanafī (Died 1250AH) clarified when you read statements from the Salaf such as "It's Kufr to claim the Qur'ān is created",[8] the Imām stated, that it's only Kufr when doubts & Ta'wīl is rendered invalid, and his son Muhammad (Died 1306AH) re-iterated his father's words.[9]

[7] Refer to "al-Wādih fī Usūl al-Fiqh".
[8] This is not considered clear Kufr as there's no Āyāh or hadīth saying this statement is Kufr, nor is there and Ijmā' that this opposes Qat'ee (clear-cut) proof & hence Kufr, as some said it only opposes Thannī (highly assumed) proof, hence misguidance, although most view it can reach Kufr.
[9] Refer to "Completion of "Hāshiyat Ibn 'Abdīn" (1/116)".

2) Obligation of applying the ruling of Allāh upon individuals

Based upon the previous point on the words of Allāh & the Prophet (صلى الله عليه وسلم) addressing "specific individuals", we come to know that judging specific individuals with the ruling of Allāh is "Nass" (textual evidence), which is called a "Hukm Wad'ī". And as for applying this "ruling of Allāh" upon individuals, that's called a "Hukm Takleefi", whereby it becomes an obligation upon us to apply this "judgement".

Thus, it becomes clear that those who claim "application of rulings" is solely a matter of "Ijtihād" which the scholars delve into, have opposed another Ijmā' (consensus) & have turned an agreed upon obligation into a "forbidden matter" for the masses to delve into.

[2.1 The issue of giving "Excuse of Ignorance" in clear matters]

Let's give an example concerning those who give "Excuse of ignorance" in clear matters, and the usual reply is that they only excuse unclear matters, but we will shortly define "clear matters" and show that these "Excusers" don't even view clear nullifiers of Islām as "Kufr", even if they claim it is "generally".

For example, if we see someone stare at something Harām, or shows his 'Awrah to his friend, the ruling of Allāh upon this individual is that he's a "Sinner" (Hukm Wad'ī), and judging him as a sinner is an agreed upon "obligation" upon every Muslim (Hukm Takleefī).

As for the excuser who claims "It's a sin (generally), but it's not allowed to judge him as a sinner due to his ignorance", then he's basically saying in other words; "Allāh only labelled his action as a sin when he's not ignorant".

We would say, the only person excluded from Allāh's judgement is the one who's not held to account, such as someone being unable to know that looking at something Harām is Harām, such as someone living on a remote island with no Muslims around.

Imām Hasan Shurumbulālī (Died 1069AH) stated in the beginning of the Chapter of Fasting; "To have knowledge that it's obligatory is a condition for those who accept Islām in Dār al-Harb, whereas simply being on Muslim land (makes fasting obligatory)."

The commentary states that one may become aware of the ruling of Fasting by being informed by 2 upright Muslims according to Abū Hanīfah, whereas Abū Yūsuf & Muhammad Ibn al-Hasan didn't stipulate the need for them to be upright.[10]

So according to the Fuqahā', 2 Muslims informing you of a ruling in a place with little likelihood to hear about it removes ones ignorance, then imagine the case of living amongst Muslims where you're easily able to know about the ruling, and that's why Imām Hasan along with others stated simply being on Muslim land removes any excuse of ignorance, and all Madhabs agree on this.

Going back to the excuser, he refuses to call the individual a sinner even if he's able to seek knowledge, and what it means when you excuse such a person "as he could think it's Halāl" which is another expression of saying "he's ignorant, it's a sin". (Doubting it's a sin = Thinking it's Halāl).

The excuser refuses to call an individual sinful who stares at something Harām as he thinks it's Halāl! What this ignorant excuser doesn't understand is that he refuses to label whoever makes "Istihlāl" (declares what's forbidden as lawful) as a sinner, when such an individual is considered a Kāfir by Ijmā' (consensus of the scholars)!!!! This person opposed 2 Ijmā's in this case.

This necessitates no-one being a sinner or Kāfir until an individual is informed beforehand, and Allāh only considers it a sin in this situation. Which also means, if someone comes along to claim drinking alcohol is Halāl, he's not even sinful, until you tell him it's Harām (Tabarī refuted this false notion). It's as if everyone is living on a remote Island, thus no rulings can be applied.

[10] Refer to "Nūr al-Īdāh" (pg. 338).

3) <u>What is the definition of a clear matter according to Ahlus-Sunnah?</u>

The noble Imām of the Hanābilah, Al-Ba'lī (رحمه الله) tells us what a clear matter is when defining the term "Sareeh"; He says, it's what the text has directly alluded too without any possible/valid interpretation to it. Hence, when we use the term "Kufr Sareeh", it's another way of saying:

i) It's a clear matter which isn't open to interpretation pertaining its ruling. Also, a clear matter is always considered a "specific textual ruling", except in the situation when one is not held to account (Mukallaf). This means, if someone was to claim a particular issue has the excuse of "Ignorance & Ta'wīl", it can never be regarded as a clear matter (or Kufr Sareeh), rather it becomes an unclear matter which is not "Kufr in & of itself", but it can become "clear Kufr" when doubts are removed, such as denying punishment in the grave & other innovations which return back to "clear denial of the text" (which is what Allāh labels as Kufr). Furthermore, the deviant sects may differ on what falls under a clear matter, and also the scholars of Ahlus-Sunnah, which is the secret behind differed upon nullifiers of Islām, and Imāms disputing when rulings/Takfīr etc., are established.

So according to Ahlus-Sunnah, Fisq/Kufr Sareeh can be a differed upon Thannī text or agreed upon Thannī or Qat'ee text which has labelled the statement/action as Fisq/Kufr. Likewise, Kufr Sareeh occurs when someone opposes a Qat'ee text when doubts are regarded invalid, while Fisq Sareeh occurs when someone opposes a Thannī text when doubts are rendered invalid.

ii) As for the deviant sects, Imām Abū al-Hasan al-Ash'arī (Died 323AH) stated that most extreme Murji' sects view Fisq Sareeh, even on sins open to differences & Ta'wīl, whereas most extreme Murji' sects view Kufr Sareeh as only agreed upon Kufr.[11] This is the secret behind why the Ash'ariyyah Jahmiyyah in 1 of 2 opinions stipulated Qat'ee proof for Takfīr, as Qat'ee proof implies it's agreed upon.

[11] Refer to "Al-Maqālāt" (1/181-185).

Although according to the 2nd opinion of the Ash'arī sect — as adopted by Ibn al-'Arabī, and the majority of the Zaydiyyah, Thannī proof is used in Takfīr, such as Āhād & Qiyās.

[3.1 Falling into Kufr Sareeh (Clear Kufr) has no excuse]

Imām Abū 'Abdillāh as-Sanūsī al-Mālikī (Died 909AH) & Imām 'Uthmān Ibn Fūdī al-Mālikī (Died 1232AH) both cited an Ijmā' that there's no excuse of ignorance or ta'wīl in Kufr Sareeh, and Ibn Fūdī specifically stated "no scholar" gave excuse of Ta'wīl for the 8th nullifier.[12]

There's a *consensus that falling into Kufr Sareeh has no excuse,* and that this is regarded as a "specific Takfīr by the text".

[3.2 The ruling upon the one who refrains from Takfīr upon an individual who fell into Clear Kufr]

Whoever refrains from the above, takes the following ruling;

a) If he claims it's Thannī Kufr (i.e. labelled disbelief via Sahīh Āhād narrations), and only Qat'ee Kufr is used in Takfīr, then he has agreed with the extreme Murji' sects such as the Jahmiyyah & others, since they view Takfīr as a matter of 'Aqīdah, and only Mutawātir proof can be used. This innovation automatically renders an individual as a misguided Fāsiq as the Imāms of Sunnah have stated, although a group of scholars don't view that this innovation has valid misconceptions, and since it opposes Qat'ee proof, the individual is a Kāfir, although most scholars would only make Takfīr on this innovator after his doubts are rendered legally invalid/far-fetched.

Although, the contemporaries among the Salūliyyah & Madākhilah Zanādiqah exceeded the misguidance of the extreme Murji'ah in this topic, as they claim Takfīr is a matter of Fiqh & at the same time stipulate "Qat'ee" proof which is a wicked innovation which opposes all the scholars whose statements are taken into account.

Imām Abū Ya'lah al-Hanbalī (Died 458AH) stated that there's clear Mutawātir proof on the obligation of acting upon "Āhād narrations", and he cited numerous examples in his book,[13] where the Prophet & Sahābah relied upon Thannī/Āhād

[12] 8th Nullifier: Supporting and assisting the Mushrikīn against the Muslim. Refer to "The Nullifiers of Islām by Imām Muhammad Ibn 'Abdil-Wahhāb.
[13] Refer to "Al-Udda".

evidence, such as sighting the moon for the entrance of Ramadān, testimonies & marriages, whereby there are 2 strong opinions on whether such a person is considered a Kāfir, as it necessitates invalidating the vast majority of Islāmic rulings which are based on Thannī/Āhād proof.

Shaykh Hassān (حفظه الله) said it makes no difference for Ahlus-Sunnah on whether we say Takfīr is a matter of 'Aqīdah/Fiqh, since we use Āhād/Mutawātir proof in both situations. Whereas, if you were from a misguided sect, it makes a big difference, as the Ash'arī Imāms like Ghazāli (Died 505AH), Ibn Fūdī (Died 1232AH) & others who stated that it's a matter of Fiqh, explicitly clarified the obligation on applying Takfīr via Thannī proof.

However, as for the Ash'arī's who considered Takfīr a matter of 'Aqīdah, many of them stipulated that the text must show it is Kufr according to Qat'ee proof, such as al-Juwaynī, Ahmad, Ibn Idrīs al-Qarāfī (Died 684AH), Shāh Walī'Allāh ad-Dehlewī & others. Even though some Ashā'irah agreed with Ahlus-Sunnah such as Ibn al-'Arabī on using Thannī proof in 'Aqīdah, but let me give a few examples on why stipulating Qat'ee proof led to disaster!

When Shāh Walī'Allāh ad-Dehlewī spoke about calling upon the dead; he clarified that it's a sin greater than zinā which Allāh doesn't forgive,[14] which is similar to calling upon idols, however he stated that he can't apply Takfīr on grave worshippers solely because he believes it hasn't reached his level of Kufr Sareeh, and it's simply Thannī (unlike calling upon idols).[15]

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[14] Refer to "Tanbīhāt Ilāhiyyah".

[15] Important note: Many contemporaries have the wrong understanding of separating between "Kufr and Takfīr", simply believing something is "disbelief" without it being tied to any individual. Rather, what must be constantly repeated and understood is that when someone believes something is disbelief, it means he views any accountable individual who falls into such disbelief as a disbeliever, so there's no separation between the two, as this opposes the consensus of all linguists from Ahlus-Sunnah.

The rule states; "Every label must have a description derived from it"

Otherwise, it's like agreeing with the Mu'tazilah sect on Allāh's attributes, where they consider Allāh all-Seeing and all-Hearing without having the attributes of Seeing and Hearing. As for Shāh Walī'Allāh ad-Dehlewī, when he considered calling upon the dead a greater sin than fornication and murder similar to calling upon idols, it means the proof shows everyone who calls upon the dead has committed disbelief, thus a disbeliever. However, the only reason he didn't accept them as disbelievers and simply major sinners is because he only believes it's obligatory to believe and accept "explicit Kufr", which is another way of saying that it's not obligatory to believe what the text mentions as disbelief if it's not "explicit", which is a stipulation the Jahmī sect make. So in reality, Shāh doesn't accept that calling upon the dead is disbelief which one must accept, the same way Ibn Badrān al-Hanbalī doesn't accept that belief in the "Dajjāl" is obligatory, since according to him, the authentic hadīths which speak about him aren't explicit (at a level of certain knowledge).

This is similar to Imām al-Qurtubī saying that the Salaf affirmed the Ascension of Allāh above the Throne, but al-Qurtubī doesn't view it "obligatory" to affirm due to not reaching certain knowledge, this is their misconception, although there are 2 valid opinions among Ahlus-Sunnah on whether all these scholars are excused before establishing the proof against them or not.

This also helps us understand what is meant by Takfīr bil-Lāzim (Takfīr on the implications of one's action or statement), and this doesn't mean to declare Takfīr upon what an individual "might do in the future" or declaring the person with valid misconceptions as a disbeliever, since that's the path of the Khawārij on declaring others disbelievers for major sins or matters which don't constitute as disbelief. Rather what's intended is that one's statement can imply disbelief or one's actions can imply belittling the religion of Allāh. For example, the Salaf considered the statement of the Qur'ān being created as one which carried implications of disbelief, as the Qur'ān is from the eternal knowledge of Allāh, thus it implies that Allāh's knowledge is created, which implies that Allāh is created, we seek refuge in Allāh from such implications. Al-Qādhī 'Iyādh al-Qarāfī and Ibn Rushd from the Mālikī scholars cited from the majority of the jurists and scholars of hadīth from the Salaf make Takfīr upon implications.

Whereas many of the later scholars don't view Takfīr upon implications, which is why they view the claim of the Qur'ān being created as a sin which reaches a major sin at most, except for those who view that this claim opposes explicit proof. That's why the Salaf included more matters under major disbelief compared to many later scholars.

In fact, Shaykh Hassān Husayn (may Allāh preserve him) told me that the Hanafī School makes Takfīr upon "unclear implications" unlike the majority of Ahlus-Sunnah who make Takfīr on "clear implications", and this is the secret why the Hanafī School has the most nullifiers of Islām as they consider many acts and sayings as disbelief by observing some far-fetched implications. So, the whole concept of "Takfīr bil-Lāzim" simply means "Considering something as Kufr via its implication".

To give a few examples which the Hanafī School consider disbelief via implications is praying before the prescribed time, standing at a place or mountain on the Day of 'Arafah (imitating those at Hajj), making Tawāf around a building or grave besides the "ancient house" in Makkah, praying without ablution intentionally, saying Bismillāh before doing a sin like drinking alcohol or fornication, and the reason they give is that these sayings and actions imply mocking or belittling the religion of Allāh and its symbols.

Although, Qādhī Zādeh from the great scholars and revivers under Ottoman rule stated in his "Tafsīr" that in most situations, the Hanafī Judge doesn't apply the official Hanafī view upon those accused of disbelief in court due to such matters, and rather takes the weaker opinion within the Hanafī School as such acts don't have clear implications of disbelief.

Imām 'Abdur-Rahmān al-Jazīrī writes in "Kitāb al-Fiqh 'ala al-Madhāhib al-Arba'ah" (Page 936):

"In most cases, the firmly grounded scholars from the Hanafī School have clarified that it's not permissible to make Takfīr upon a Muslim, unless it's not possible to interpret his statement. So if he utters a statement which implies faith from one aspect and disbelief from several aspects, his statement is held upon faith that they even said: If he utters a statement or performs an act which apparently displays disbelief, however there's a weak narration (within the Madhab) which holds his statement upon Islām, then it's not permissible to hasten in making Takfīr upon him. Although, if he performs something which cannot be held upon Islām (from any angle), such as ripping apart a Mushaf and throwing it on the ground due to a fit of rage or anger while he's a believer, then he's held to account for that".

So in reality, many things the Hanafī scholars consider as disbelief are open to multiple interpretations according to others, which is why the majority of scholars, including the Hanafī's don't make Takfīr on someone for saying "alhamdulilāh" after committing a sin, since even though it could imply being pleased with the sin, it could also mean "alhamdulilāh that Allāh took me away from the sin".

Even though their shirk is Qat'ee, and this is exactly the misguidance Ibn Badrān al-Hanbalī (Died 1336AH) fell into when he refused to accept the arrival of 'Isā (عليه السلام) at the end of time & denied belief in Dajjāl. He mistakenly viewed these narrations as authentic via Thannī proof (Āhād), and because it's a matter of 'Aqīdah, he stated it needs to reach a level of being Qat'ee Mutawātir.

When in reality, it is considered Mutawātir, and thus Ibn Badrān is in a very dangerous situation, whereby there's a valid difference of opinion on whether this Hanbalī scholar is excused due to Ta'wīl or not.

b) The 2nd situation is if someone claims a false Mānī' (preventative), such as if he says "He needs to understand Hujjah or "he is ignorant of the ruling — while he's able to learn", or "he's a blind follower", as we mentioned previously such claims imply that this "Kufr Sareeh" is not considered Kufr in & of itself, but only Kufr in respect to someone who's not an ignorant blind follower for instance. This is divided into 2 parts;

• If he claims a false excuse in a Thannī Kufr matter, if his doubts are regarded legally invalid, then he's a misguided Fāsiq by Ijmā', although if he has valid doubts, he is regarded as a sinner for opposing the consensus by following such an innovation.

• If he claims a false excuse in a Qat'ee Kufr matter, such as worshipping other than Allāh, if his doubts are regarded legally invalid, he's a Kāfir by Ijmā', but if he has valid doubts, he is regarded a misguided Fāsiq at the very least for opposing an Ijmā' Qat'ee by claiming such a false excuse.

This teaches us an important lesson, that doubting the Takfīr of a Kāfir can render you a Kāfir if his Kufr is Qat'ee, so imagine the case with someone actually falling into the Qat'ee Kufr.

The problem is that the misguided excuser deviated in Usūl and didn't differentiate between opposing the text & what the text has labelled as disbelief (or falls under Kufr Sareeh). For instance, the earlier Rāfidah simply fell into denying the Qat'ee text, hence there are 2 strong opinions on whether they're excused or not. Whereas the Rāfidah who came after fell into agreed upon Kufr Sareeh, i.e. what the text has labelled as Kufr, hence doubting their Kufr becomes Kufr with invalid doubts!

4) Defining the terms "Shurūt & Mawāni"

This point will briefly summarise the big terms of "Shurūt & Mawāni".

According to the Fuqahā' as Imām Ibn al-Qayyim (Died 751AH) and others clarified, there are ONLY "2" conditions for ALL Islāmic rulings to be established, whether it's divorce, wudū', Takfīr or anything else. However, since this is regarding Asmā' & Ahkām, we will keep it on topic Inshā'Allāh, so in short;

There are 2 conditions (Shurūt) for Takfīr;

i) Willingly performing an action/statement.

ii) Intending its meaning/reality when doing the action or saying the statement.

As we know, the opposite of "Shart" (condition) is "Mānī'" (preventative), so we come to learn as I've written previously that every excuse you find in the Qur'ān/Sunnah, such as sleep, insanity, absence of intellect, anger, jealousy, relating Kufr, excitement, Taqlīd, misconceptions, misinterpretations, ignorance and valid fear ALL return back to "TWO" preventatives (Mawāni);

i) Ikrāh (not willing to perform something out of one's free-will).

ii) Absence of Qasd (not intending the reality of one's statement/action).[16]

Furthermore, according to the vast majority of Scholars of Usūl & Fiqh, the one under Ikrāh or has no Qasd is not Mukallaf (held to account) with regards to Kufr, (although Fisq can apply — when opposing a Qat'ee text, the very least ruling is Fisq), as these excuses basically prevent the "condition of Takfīr" from taking place to begin with.

On a side note, the Ashā'irah claim the one under Ikrāh is held to account as they are Jabriyyah, so they believe that Allāh addresses the forced person with rulings, as everyone is forced according to their innovated claim, but the only difference is that when an individual is told to do something against his free-will by the creation, there's a confirmed excuse in respect to him due to the mercy of Allāh.

[16] A benefit to add is that unclear matters are in reality "not Kufr in & of themselves", as opposing the text with valid ignorance or misinterpretations is something which Allāh never referred to as Kufr. Rather, the Kufr Sareeh is whoever rejects the text in a situation where he has intended the reality (Qasd), and that's the secret behind considering the excuses of Jahl/Ta'wīl/Taqlīd returning back to absence of Qasd.

Moreover, the "Asl" (default ruling) is the absence of an excuse, and whoever claims a "condition/excuse" must provide evidence from the Qur'ān & Sunnah, and as we previously mentioned, there are clear Qat'ee proofs restricting the conditions/excuses to the "2" aforementioned ones. A good example is that even Ikrāh is differed upon in previous nations as being an excuse or not, although the text states it's an excuse for us.

5) Categories concerning falling into a "Sabab" (cause) of Sin/Fisq/Kufr

There are 4 categories concerning falling into a "sabab" (cause) of Sin/Fisq/Kufr;

i) We know he intended the sabab without a valid excuse (clearest form of Takfīr).

ii) We know he did not intend the sabab due to a confirmed excuse (clearest form of NO Takfīr).

iii) We know he intended the sabab (valid accusation), but someone doubts an "excuse" for him — We'll clarify that there's an Ijmā' Qat'ee on this Takfīr as well Inshā'Allāh.

iv) We have a doubt on whether the sabab/manāt is established — This occurs in "Areas" of Ikrāh and Absence of Qasd (Intent), such as a new contemporary matter whose meaning is unknown, of being in a remote area, or prison where there's strong chances of not intending the sabab.

[5.1 Examples of differences of opinion between scholars when the manāt/sabab is established]

Furthermore, scholars may humbly differ on when the manāt/sabab is established, and we'll also clarify that the Fuqahā' issue a ruling based upon the "dominant reality" of an action/statement as Shaykh al-Harbī and Shaykh Hassān have stated.

For example, there are 3 opinions among the scholars concerning the ruling of whoever prostrates to a grave;

1) Unlike Rukū' which is only a 'Ibādah within prayer, Sujūd has become an independent 'Ibādah within Islām, whether within or outside of prayer, hence any Sujūd to other than Allāh renders one a Kāfir in every case.

2) The majority of scholars divided Sujūd into "prostration of worship" & "prostration of respect", and the latter is forbidden in Islām by consensus, although isn't abrogated & cancelled out. However, according to Imām ath-Thahabī, making Sujūd to the grave can imply "prostration or worship or respect", and because there's this doubt, we cannot make Takfīr upon him, unless he states it's one of worship. [Harām to make Takfīr].

3) Whereas, Imām Hamad Ibn Nāsir Ibn Mu'ammar views that the dominant reality of making Sujūd to a grave or Tawāf around it, is that it's one of worship, not mere respect. [Wājib to make Takfīr][17]

In the 2nd situation, the dominant reality could imply both types of Sujūd, hence it's not allowed to apply Takfīr, whereas according to the 3rd opinion, the dominant reality implies a Sujūd of worship, and doubting any excuse is disregarded by consensus.

This is the secret behind the 2 valid opinions among the scholars of Tawhīd on whether the dominant reality (strong assumption) is that voters know the reality, hence an obligation to apply Takfīr according to some, and forbidden to apply Takfīr according to others until the reality is explained to them individuals. Others may view the dominant reality differs from land to land, which is an accurate judgement.

Likewise, scholars differ on whether it's obligatory or forbidden to apply Takfīr on a prisoner who has been accused via upright witnesses on committing Kufr, so those who view the dominant reality is that did not "intend" to utter Kufr due to high chances of Ikrāh, he would view it forbidden to apply Takfīr. Whereas, several Imāms of the Salaf view that if some prisoner is accused of performing Kufr, then the dominant reality is that he intended the sabab, hence an obligation to apply Takfīr and he is separated from his spouse, since "doubting" he is under Ikrāh is not "highly assumed" but a mere "doubt".

It's also important to note that he has been accused via upright witnesses who don't have a dispute with the prisoner, as Shaykh al-Islām Ibn Taymiyyah (Died 728AH) stated the testimony of an upright Muslim is rejected if he has enmity with another individual, and there are hadīths to support this.

This issue returns back to 3 Rules the scholars of Usūl mention;

i) Certainty isn't removed by doubt (Yaqīn = high assumption).

ii) Doubting a sabab prevents its ruling but doubting an excuse/preventative doesn't prevent its ruling.

[17] Refer to "Ad-Durar as-Saniyyah" (Vol. 11).

Highly assuming an excuse = doubting sabab.

Merely assuming an excuse = doubting Mānī'.

iii) Judging something occurs after picturing its reality. If there's a dominant reality (strong assumption), then the sabab is established, such as sighting the crescent for Ramadān & 'Īd. The sabab is established via high assumption, as actual certainty only occurs via revelation as Imām Abū Ya'lah stated.[18]

All these rules/principles are agreed upon, and before explaining their importance, another example is when Al-Mu'tamad Ibn 'Abbād sought help from Christians against Yūsuf Ibn Tāshfeen, when Yūsuf won, he requested a Fatwā on Al-Mu'tamad, where most considered the dominant reality as aiding the mushrikīn, but some of his judges stated he simply received aid against Muslims which makes him a Fāsiq, but close to Kufr.

Another example is Istinsār (seeking aid) & Tahākum (referring Judgement to a known Judge), whereby Shaykh Hassān stated that the dominant reality of prisoners having a meeting with officers to reduce oppression, where a charge & judgement may occur falls under "Istinsār", which is permitted during necessity.

He also defined Tahākum as returning back to the Arabic language & 'Urf (customs), i.e. customs of the people as, if there's no proof to restrict its definition, the rule in Usūl returns it back to the customs of the people & language of Qur'ān & Sunnah. Hence, its definition is to seek judgement from a Judge who's known for settling disputes among people. For that reason, the Sāhir (magician) was known as a Judge during the era of Sahābah.

So, we come to learn that if school kids complain to the principal at school, this is not a matter of Tahākum according to the 'Urf. This is in accordance with what Shaykh al-Harbī clarified, whereby if the dominant reality of an act contains the definition of Tahākum more than Istinsār, then it takes the ruling of Tahākum, which is only allowed in Ikrāh, and Shaykh Hassān approved of this.

Likewise, the secret why Imāms such as Ibn Taymiyyah, Ibn al-Qayyim & Ibn Kathīr stated the Kufr of Tahākum is one of "Tark" (abandoning judgement to Allāh), is due to the fact that Muslims are obliged to appoint a Muslim Judge, even in the lands where they are minorities, as Imām Fareed ad-Dīn al-Hanafī (Died

[18] Refer to "al-'Uddah".

769AH) mentioned,[19] which Ibn Badrān al-Hanbalī agreed with, hence EVERY Tahākum to Tāghūt implies abandoning Tahākum to Allāh as the Imāms of Najd have stated in numerous places.

Going back to the Rule of "Doubting the sabab prevents the ruling, and doubting a preventative does NOT", this refutes the Jahmiyyah of our time who doubted an excuse for every Kāfir who falls into Kufr, whereby they have gone against the Ijmā' Qat'ee of judging by the apparent, hence claiming "Perhaps he repented before he died", which necessitates removing Takfīr from every Kāfir due to a mere doubt, just like the extremists doubted the Islām of whoever doesn't display any Kufr!

Imām al-Biqā'ee (Died 885AH), al-Ghazālī (Died 505AH), al-Juwaynī & Al-Hāfidh al-'Irāqi (Died 608AH) all stated that "claiming a different meaning/Ta'wīl" for something "Sareeh" (clear) is rejected and they cited an Ijmā' upon that. Likewise, it helps us understand the agreed upon Rule mentioned by Al-Hāfidh Ibn Rajab al-Hanbalī (Died 795AH), "No Takfīr in unclear words", and this is due to the dominant reality of the sabab not being established.[20]

[19] Refer to "Fatāwā Tatār 'Khāniyyah".
[20] Refer to "Fath al-Bārī" (Vol. 1).

6) The topic of "Tahsīn & Taqbīh" (The Asl of matters before Risālah)

The topic of "Tahsīn & Taqbīh" and "The Asl of matters before Risālah" in the books of Usūl al-Fiqh also refutes the ʻĀthir (Excuser).

You will find from those who affirmed the ʻAql (intellect) can determine good & evil, along with those who "generally" rejected it, or that doing something without the presence of a text is Halāl/Harām/Un-decided, regardless of their stances/differing opinions on this topic, they all agreed that it's impossible for the intellect to permit prostrating to an idol, making a vow to it, relying upon it, seeking help from it, calling upon it, sacrificing to it & all matters which relate to disbelief in the worship of Allāh and the necessary qualities the creator must be described with which the intellect can determine independently of a text.[21]

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[21] Shaykh Ahmad al-Hāzimī clarified that the intellect and fitrah determines the obligation of monotheism and deserving reward for it, and that it determines the prohibition of Shirk and deserving of punishment for it independent of a text, and we testified to this before we were born, while the Ashā'irah/Jahmiyyah rejected the idea of the intellect prohibiting shirk, as nothing is considered blameworthy/prohibited except if it has a necessary punishment attached to it, and "being deserving of punishment" isn't enough for them.

This is a false claim which opposes verses in the Qur'ān, such as Allāh's statement; *"That is because your Lord does NOT destroy a town due to oppression (i.e. shirk) while its people are heedless and unwarned". [6:131]*

Allāh affirmed shirk before punishing them in this world.

Allāh also says: *"And if they are struck by a calamity due to what their hands earned (of evil — shirk), they say O Lord, if only you would send us a Messenger". [28:47]*

Furthermore, Imām Ibn al-Qayyim clarified that the intellect praises and blames things "generally", not all of its "specific details". For example, anything which contains pure benefit is determined as "good" by the intellect, and anything which contains pure harm is determined as "bad" by the intellect, without the need of a text.

For instance, kindness, justice, water and bread are determined as "praiseworthy" by the intellect. However, as for determining all the statements and actions which fall under justice, this requires a text for the most part, as how many things are unclear to the intellect, so that's an example of "details".

Likewise, people killing themselves, stealing, oppression, rape and cheating are determined as "blameworthy" by the intellect. However, as for stealing from an oppressive individual to please Allāh, this contains good and harm, so anything which the intellect hesitates between benefit and harm, it requires a text from Allāh.

For example, drinking alcohol and gambling contains benefits and harm according to the intellect as Allāh approved in the Qur'ān, so this is something which we require a text to determine whether the harm or benefit are greater. If the benefits are greater, it's permissible, otherwise it's not permissible.

What if someone determines that drinking alcohol and gambling have greater evil than good by his mere intellect? Then we say his intellect agreed with the Sharī'ah, and Ibn Taymiyyah says that the intellect can get it right or wrong at times, so the Sharī'ah comes to correct it.

[6.1 The misguided sect who claim it's permissible for the 'Aql to commit Kufr]

Except for a sect which opposed the Muslims on this topic, and that is the sect of Al-Jahm Ibn Safwān, whose teacher is the Kāfir, Al-Ja'd Ibn Dirham, who established the Jahmiyyah sect. The reason this Kāfir opposed all Muslim sects on this topic is because Al-Jahm is a Jabrī — he believes the creation don't have free-will & are forced by Allāh — and the reason why this innovation is so wicked is because based upon this, they stated since Islām had given an excuse for the one told to do something against his free-will (Ikrāh), then it's possible for the 'Aql to permit committing Kufr in the worship & Lordship of Allāh, even when there's no Ikrāh (someone forcing you), as everyone is forced against their free-will by Allāh. Hence, according to these Kuffār, the 'Aql cannot determine the necessity of forbidding Kufr in Ulūhiyyah/Rubūbiyyah.

For this reason, the Ash'arī sect have a principle called "NO Hukm before Risālah", and Imām Ghazāli (Died 505AH) who adopted this principle confessed that it's extremely similar to affirming the Principle of the Mu'tazilah, "A (3rd) level between 2 levels", as Allāh states that mankind are either "Believers" or "Non-Believers".

You can't have a level in between as the Mu'tazilah said regarding the major sinner, "Muslim in Dunyā, Kāfir in Ākhirah", or the Ash'ariyyah who say regarding "NO rulings before a text", whereby whoever commits shirk is considered a "Metaphoric mushrik", but only a "True Mushrik" after the arrival of a text, and likewise whoever purifies their Tawhīd to Allāh is "A metaphoric Muslim", but only a "True Muslim" after the arrival of a text. [Al-Athra'ī also showed how the Ash'arī's would oppose their own Asl at times].

This is because the intellect can permit shirk before the Risālah, so how can you be a "True mushrik" for doing something the 'Aql makes permissible, hence when the text comes to show that only Ikrāh permits shirk, falling into shirk without this excuse makes you a "True mushrik".

As for any Excuser who affirms that oppression is evil by the intellect, but not shirk, then cite him the quote of Ibn al-Qayyim that if the intellect isn't a proof against the evil of shirk, then nothing in the whole word is considered evil by the intellect. Furthermore, mankind are held to account at all times for Tawhīd, so negating any quality of the Creator's Lordship, independently determined by the intellect like knowledge and power (or even abusing Him) or directing His right of being Worshipped to the creation is disbelief at all times, independently of any text.

Unfortunately, the Ash'arī sect only adopted this as they followed Jahm Ibn Safwān who's a Jabrī, and that's the reason the Ashā'irah/Jahmiyyah say the one under Ikrāh is Mukallaf.[22]

Shaykh Nāsir al-Fahd, Shaykh 'Alī al-Khudayr & Shaykh Hassān Husayn have stated that this innovation of not affirming "true shirk" before the Risālah whereby the 'Aql determines the prohibition of that, then whoever adopts this has opposed the Ijmā' Qat'ee of the Salaf, and this is Kufr when doubts/Ta'wīlāt are rendered Bātil (invalid). Since, such a claim means there's "NO TRUE" difference according to the intellect on worshipping Allāh & worshipping idols besides Allāh. However, the misconception of the Ashā'irah is due to being Jabriyyah (2 opinions on their Kufr before Hujjah), but WHAT are the misconceptions of the modern day 'Āthir?!

On top of all this, the majority & scholarly revised position among the Ash'arī Jahmī sect is that committing disbelief in "Worship" or "Lordship" (i.e. Kufr before Risālah) makes you a mushrik, even if it's only a legal & metaphoric one, as Shahrastānī (Died 544AH), Ghazālī (Died 505AH), and Barzanjī (Died 1103AH) alluded to.[23]

Whereas the 'Āthir considers him a Muslim, in fact a TRUE MUSLIM before Hujjah, and there's more to further refute the 'Āthir on this topic, the scholars of Sunnah & Bid'ah[24] agree that whoever falls into shirk before the Risālah is deserving of entering Jahannam, and there are 2 main opinions on him regarding the after-life;

i) Imām Abū al-Khattāb al-Kalthawānī al-Hanbalī (Died 503AH) mentioned in his book,[25] that according to the overwhelming majority of Fuqahā' & Falāsifah that mankind are morally held to account with Tawhīd via the mere 'Aql & Fitrah, and that whoever commits shirk will remain in Jahannam, even if it was before the arrival of a text.

This reputable Hanbalī Imām also states that the verse, *"We don't punish until we send a Rasūl"* doesn't refer to punishment in the Hereafter for committing shirk

[22] Refer to the 2nd last paragraph under the 4th Chapter.

[23] Refer to "Sadād ad-Dīn wa Sidād ad-Dayn".

[24] Besides the Jahmi's who are Jabriyyah, and soon Inshā'Allāh it would be clarified that the misguidance of the Jahmi's is not due to Īmān on the topic, as Māturīdi's are Jahmi's in Īmān, but view shirk (true) before the Risālah, but rather due to a false innovation of Jabr. Hence, even if the 'Āthir agrees with Ahlus-Sunnah in Īmān, he's equally misguided as Jahmī's due to a false innovation — not related to Īmān.

[25] Refer to "Usūl al-Fiqh" (Vol. 4).

(let alone being a Muslim for shirk), and that it refers to punishment in the Dunyā, as Allāh says in the Qur'ān;

"That is because your Lord does NOT destroy a town due to THULM (shirk) while its people are heedless and unwarned."[26]

If this was after Hujjah of Risālah, how come they're not destroyed? This Āyāh provides 2 benefits;

a) Allāh affirms shirk clearly before the Risālah.

b) The Fuqahā' of all Madhabs state it's necessary to warn those who haven't heard of Islām, in the sense it's not allowed for them to be in conflict without such.

Or that the earlier verse refers to Allāh not punishing a Muslim in matters of Halāl/Harām until a text arrives, and Allāh knows best.

Likewise, the major Shāfi'ī Imāms adopted this view as stated by Shaykh Hassān, as the Shāfi'i expert, Ar-Rūyānī (Died 504AH) cited this from the majority of Shāfi'iyyah of Basrā. It's also the view of Tabarānī (Died 320AH), and if you refer to the statements of Imām ash-Shāfi'ī (Died 204AH) himself in his book,[27] he stated; "As for the mushrikīn who haven't heard Islām and no Hujjah established on them".

This shows Ash-Shāfi'ī affirmed shirk before textual Hujjah was established. Ash-Shāfi'ī also stated there's excuse for "textual attributes" if someone is ignorant of it, but there's no excuse in attributes known by the intellect. Al-Marwazī ash-Shāfi'ī also cited from the Muhaddithīn that there's Kufr before the Risālah. Also refer to at-Tabarī's book affirming shirk before Risālah![28]

This is the view of noble Shāfi'ī & Hanbalī Imāms, and Imām 'Aqīl Ibn 'Atiyyah at-Tartūshī (Died 624AH) from the Atharī Mālikī scholars authored the best book singling out the topic of those who the message hasn't reached, affirming they'll be in Jahannam from the mere intellect.

Furthermore, another Mālikī expert, Abū 'Umar Ibn 'Abdil-Barr also cited from the Muhaddithīn that they don't accept the narration of Ahlul-Fatrah being tested,

[26] Sūrah Al-An'ām, Āyāh 131.
[27] Refer to "Kitāb al-Umm" (Vol. 4).
[28] Refer to "At-Tabseer".

as Judgement Day isn't an abode of being tested, but rather an abode of being held to account.

As for the Hanafī Madhab, then they are the most famous on viewing the mushrik before the Risālah as being held to account via the mere intellect and viewing them residing in Jahannam. This was mentioned by Imām al-Qaddūrī al-Hanafī, and the Imām of the Hanafī Madhab of his time from the 4th century, Imām Abū Zayd ad-Dabbūsī al-Hanafī (Died 410AH), that denying matters of Halāl/Harām due to not hearing about a message is an excuse, but as for denying Allāh's ability of resurrecting his creation or describing the Creator with undeserving qualities/attributed, then there's no excuse.

Also, the authority of the Hanafī Madhab, al-Kāsānī, in his book,[29] quoted Imām Abū Yūsuf reporting from Abū Hanīfah (Died 150AH), that the 'Aql is a sufficient Hujjah for Tawhīd due to merely picturing/reflecting over the creation. Muhammad Ibn al-Hasan also stated the same, and these are the major authorities of the Hanafī Madhab, and Imām Zufar also had similar words.

In fact, the Imām of the Māturīdī sect (who are mainly Hanafī), Abū Mansūr al-Māturīdī (Died 330AH) has the same position, and this is what the Māturīdīyyah uphold, even though the majority of them are Jahmiyyah in the topic of Īmān like the Ashā'irah.

However, they're much better than the Ash'ari's in this issue as they're NOT Jabriyyah. This further emphasises the fact the Ash'ari's don't view the mushrikīn as being held to account by mere intellect due to being Jabriyyah, not due to their severe misguidance in Īmān.

So, this is the first opinion held by Imāms of the Hanafī, Mālikī, Shāfi'ī & Hanbalī Madhab. It's important to note, all the earlier sects view mankind held to account for Tawhīd via the 'Aql, such as the Mu'tazilah, Khawārij, Murji'ah, Zaydiyyah, Qadariyyah, Early Rāfidah, Māturīdīs, and others, except for the Jabriyyah, wallāhul-Musta'ān.

ii) A group of Imāms adopted the view that they deserve punishment, although they will be tested in the Hereafter, whereby their test will be concerning the obedience of Allāh. Also, according to the narration, it states Allāh will command

[29] Refer to "Badā'i as-Sanā'i".

Ahlul-Fatrah to enter a fire, in which whoever enters/obeys Allāh will be admitted to Jannah, but whoever refuses will enter Jahannam.

This is the position of Imām Abū al-Hasan al-Ash'arī (Died 323AH) who also cited the view from a group of Muhaddithīn,[30] although Shaykh Hassān stated this is an error of al-Ash'arī and he cited from Ahlul-Hadīth something contrary in his book,[31] and that's due to him not perfecting the Madhab of the Salaf. Furthermore, At-Tabarānī (Died 320AH) cited from Ahlus-Sunnah that they will be punished in the Ākhirah, and he's more knowledgeable regarding the Sunnah than al-Ash'arī.

Either way, those who adopted this opinion, such as Ibn Taymiyyah, Ibn al-Qayyim, Ibn Kathīr, Ibn 'Aqīl al-Hanbalī, and al-Bayhaqī ash-Shāfi'ī, all relied upon Al-Ash'arī's statement as they cited his statement, and Shaykh Hassān states this misconception became widespread in strengthening the weak chains concerning Ahlul-Fatrah being tested with a blazing fire, and he stated a book is being authored showing how none of the Salaf adopted this or accepted this concept. Furthermore, how can a "Muslim" be deserving of going to Jahannam? So regardless, he's a true mushrik, unless someone is Jabrī!

This takes us to the opinion of Ibn Hazm and the Jahmī Ash'arī's who said Ahlul-Fatrah are tested for shirk, although it appears Ibn Hazm doesn't view them accountable for Shirk, except with a text like the Jabriyyah, and the 2nd Ash'arī opinion stated every mushrik in fatrah goes to Jannah!

[30] Refer to "Al-Ibānah Fī Usūl ad-Diyānah".
[31] Refer to "Al-Maqālāt Fī Ikhtilāf al-Musallīn".

7) Unclear proofs used by the 'Āthir (Excuser)

The reality of every 'Āthir (Excuser) is that they use "Unclear proof" without returning these unclear verses/hadīths/statements of scholars back to the clear principles of Islām. Imām Abū Ishāq ash-Shātibī al-Mālikī says this is the problem of innovators.

Allāh says; *"He (Allāh) is the One Who revealed the Book to you, whereby it contains clear verses which are the primary verses of the Book, whilst other verses are unclear. So, regarding those who have a disease (of deviation) in their hearts, they follow the unclear verses seeking fitnah and a false interpretation."*[32]

Let us take a look at the strongest proofs the 'Āthir uses;

i) Allāh says, *"The disciples said; O 'Īsā Ibn Maryam, can your Lord bring down for us a table (of fruits) from the heavens? 'Īsā replied; Fear Allāh if you are believers."*[33]

The Excuser claims 'Īsā's disciples doubted Allāh's Qudrah (power) of sending down a table from the heavens, and that 'Īsā (عليه السلام) did not make Takfīr upon them.

The reply to this, is that the 'Āthir took excusing a step further, from originally excusing the one who commits disbelief in the Worship of Allāh (Ulūhiyyah) to using "misconceptions" which excuse the one who commits disbelief in the Lordship of Allāh (Rubūbiyyah), and claiming Prophet 'Īsā doesn't make Takfīr on the one who's ignorant about the Creator & divine attributes!

Furthermore, the vast majority of Mufassirūn didn't even view 'Īsā's disciples as doubting the power/ability of the Creator, as linguistically, simply asking "If Allāh" or "Can Allāh" do this and this can mean a request, not "doubting His ability". Subhān'Allāh, if you can be excused due to doubting Allāh's ability of sending down a mere table, then it's more deserving of being an excuse if someone doubts Allāh's ability of "Creating this whole universe!", wallāhul-Musta'ān.

Although a minority of scholars stated they doubted Allāh's ability, such as Imām at-Tabarī, but At-Tabarī stated there's no excuse for them whatsoever, and

[32] Sūrah 'Alī-Imrān, Āyāh 7.
[33] Sūrah al-Mā'idah, Āyāh 112.

according to the Manhaj of Tabarī in Tafsīr, the words in the Āyāh, "Fear Allāh if you are believers" implies Takfīr.

As for the statement of Ibn Hazm that they doubted Allāh's ability and were excused (which opposes Ijmā' Qat'ee), then that's because he is a Jabrī Jahmī (Ibn 'Abdil-Hādī al-Hanbalī said "Ibn Hazm is Jahmī to the core") who believes Shirk in Ulūhiyyah/Rubūbiyyah is not determined by the 'Aql in terms of Taklīf, hence even thinking someone else is Allāh = Excused if no text is shown.

For that reason, let no-one use the statement of Ibn Hazm/Jahmiyyah as proof, unless he believes and has the courage to admit that a person can be excused if he thinks a human is Allāh, or a Prophet after Muhammad (صلى الله عليه وسلم). Also, even though Ibn Hazm views the "textual Hujjah" established upon everyone who believes such, it's based upon the principle of the Jabriyyah, whereby there's 2 opinions on the immediate Kufr of whoever holds such Ta'wīl, wallāhul-Musta'ān.

This opinion of Ibn Hazm[34] has nothing to do with the Thāhirī Madhab established by Dāwūd Ibn 'Alī ath-Thāhirī, just like the Shāfi'ī & Mālikī Ash'arī Imāms (similarly, Imāms rejecting 'Uluw doesn't represent the 4 Imāms) have nothing to do with the Shāfi'ī & Mālikī Madhab on viewing the 'Aql as being able to permit shirk before the Risālah, as this is the misguided opinion of the Jabriyyah whose Ta'wīl has been previously clarified, which is the fact everyone is forced, and the 'Aql declares it possible for the forced one to be allowed to speak shirk.

However, I repeat again, what is the ta'wīl of the 'Āthir? Since if he refuses to affirm shirk before the Hujjah, then he either agrees with the Jabriyyah sect or he simply admits it's not truly shirk in & of itself, and that a person is only considered ignorant of Allāh when a text tells him so...

In both situations, he's opposing Qat'ee proof, and there are 2 opinions on whether such a 'Āthir is a Kāfir before Hujjah, although the safer approach is to show the evidences to the 'Āthir as the majority of Ahlus-Sunnah would do, and we'll soon clarify the types of 'Āthir's Inshā'Allāh.

ii) Similarly in the hadīths, the Excuser claims that a man doubted Allāh's Qudrah (ability) as he told his children to burn his body into ashes, so that he doesn't get resurrected, and when Allāh asked him why he did that, the man replied, "out of

[34] Ibn Hazm also rejected 'Uluw — 2 opinions on his Kufr.

fearing you", so Allāh forgave him & admitted him into Jannah, and the narration states, "He didn't do anything, except that he had Tawhīd".

The reply to this is from several angles;

• Is the excuser claiming this man doubted "part" of Allāh's ability or "all" of it? If he claims, "part of it", then the reply to that is via the following;

a) A group of scholars don't even consider doubting part of Allāh's attributes as Kufr to begin with, such as the final opinion of Abū al-Hasan al-Ash'arī (Died 323AH), even though this is a weak view.

b) Another group of scholars explained this as meaning, he did NOT doubt Allāh's ability to resurrect His creation, as that's known by the 'Aql, although he doubted whether Allāh is able to specifically resurrect the one similar to his situation, i.e. to bring back whoever is burnt into ashes, and this is a matter which returns back to the text, it's not Kufr before the text, as Ibn Taymiyyah, Ibn al-Qayyim, Fayrūz Ābādī (the linguist) and others adopted. Hence this man had Ta'wīl and is only considered a Kāfir after applying the Hujjah.

• However, if the Excuser claims he doubted "all" of Allāh's ability, then we say the following;

a) The hadīth states, "He didn't do any deed, except for Tawhīd", and if he committed Kufr in Allāh's Lordship, i.e. Tawhīd Rubūbiyyah, then how is it possible for him to have "Tawhīd" whilst negating Tawhīd?!

b) The hadīth also states that his answer to Allāh was, "out of fearing you", i.e. Fearing Allāh's punishment, as it is perhaps, he didn't have good deeds. How is it possible for someone to doubt Allāh's power/ability completely, and at the same time fear His punishment, while He has no power/ability, this is a contradiction.

c) Based upon the previous points, many Imāms said he feared Allāh so much, he only said his statement "out of shock", i.e. Slip of the tongue. So, whether we say he doubted "part" or "all" of Allāh's ability, he never intended this to begin with, which means Allāh didn't hold him to account. You might ask, why did Allāh question him, well the answer to that is Allāh does what He wishes, just like He would ask 'Īsā on whether he called people to worship him besides Allāh as mentioned in the Qur'ān.

d) Imām an-Nawawī also cited an opinion that it's possible for the Kāfir in previous nations to be forgiven by Allāh in the Ākhirah, however the Imām stated

this is a very weak opinion. However, this opinion benefits us, as look at the extent some scholars went to, on considering him a Kāfir, when they could have easily stated he was excused due to ignorance, which shows that the Excuser is a misguided innovator.

iii) Another 2 narrations the 'Āthir uses is the Sahābī who took an oath by Lāt & 'Uzza, and also the fact Mu'ādh Ibn Jabal "wanted" go prostrate to the Messenger, or actually did so according to some criticised narrations.

The reply to the first narration, is that taking an oath by other than Allāh is not even Kufr, unless there is a clear sign of glorifying other than Allāh equal to Allāh, hence the majority of scholars didn't even view that Sahābī falling into Kufr to begin with, although Ibn al-Wazīr stated he did become a Kāfir due to viewing that oath as one of glorification, as Lāt & 'Uzza are known to be worshipped besides Allāh, and also because the Rasūl told him, "Say Lā ilāha ilā Allāh", which according to this Imām was a renewal of his Islām.

As for the second narration, subhān'Allāh once again, the vast majority of scholars view it a Sujūd of respect which is not Kufr to begin with. In fact, it was NOT even Harām until the Prophet (صلى الله عليه وسلم) clarified that.

As for the minority of scholars who only view Sujūd of worship in Islām, they viewed this hadīth of Mu'ādh as the abrogator of Sujūd of respect which is what Mu'ādh requested, and therefore in Islām, there's only 1 type of Sujūd, which is worship, especially due to the fact it has been prescribed in many different circumstances. Thus, Sujūd of respect has not only turned from being Halāl to Harām (as the majority view), but also rendered non-existent. This is their argument, but tell me by Allāh, which Imām stated Mu'ādh wanted to worship the Prophet (صلى الله عليه وسلم) via this Sujūd?!

iv) The final hadīth the Excuser holds onto as a last resort is the incident of "Thāt Anwāt",[35] whereby Quraysh used to hand their arms on this tree and seek blessings from it.

So the Sahābah asked the Prophet if they can have a "Thāt Anwāt",[36] so the Prophet (صلى الله عليه وسلم) replied, "By Allāh, you have said just as Banī Isrā'īl said

[35] Related in Sunan at-Tirmidhī (2180).
[36] A tree or something to hang their items for blessings.

to Mūsā; Give us a deity (something to seek nearness to Allāh), just like they have deities (i.e mushrikīn)."

The Excuser claims the Sahābah fell into shirk and the Prophet excused them. The reply to this final misconception is via the following;

a) The 'Āthir has opposed an Ijmā' in Usūl al-Fiqh by saying the Sahābah fell into major Kufr via an unclear statement, as the Sahābah's request can imply minor or major shirk. This is also what the Najdī Imāms, such as Shaykh Sulaymān Ibn 'Abdillāh (رحمه الله), meant when they stated, "The Sahābah simply asked, but didn't perform anything". Meaning, their request was unclear if they intended minor or major shirk, however if they were to perform an action, it would become "very clear" whether they would do major or minor shirk. The Imāms of Najd never meant that the Sahābah requested clear shirk, and were excused due to not performing it, as even the Jahmiyyah don't claim this, and there's no difference between requesting/performing shirk.

The reason why the Sahābah's request is unclear is because they could intend asking for a tree as a means of thinking it provides blessings dependently from Allāh, and this is minor shirk of affirming a cause which isn't legislated by Allāh in seeking blessings/protection, hence it's an innovation, just like amulets or any other string/object. Or, they could intend asking for a tree, believing it provides blessings, independently from Allāh, and this is major shirk which the 'Āthir is accusing the Sahābah of without proof, and this falls under the topic of Shirk in tawakkul, which is to rely upon other than Allāh for something ONLY Allāh can do!

[7.1 Benefits on minor shirk & matters related to Tawakkul]

Tawakkul can be divided into *3* types;

1) Permissible general Tawakkul — which is apparent reliance on matters one is able to do, such as relying upon a doctor to benefit you with medicine, believing this is only by the permission of Allāh. Another example is taking your car to a mechanic, relying upon him to fix your car, this is another instance of permissible reliance, since Allāh has made the doctor a means of curing the creation.

Although, it's important to note that Tawakkul is a matter of Tawhīd, hence the stronger one's Īmān is, the less he will rely upon others by asking as Shaykh Ahmad Jibrīl stated. There are authentic hadīths where Abū Bakr as-Siddīq would drop his stick or an item from his mount, and he would pick it up himself without

asking anyone, and he said, the Prophet (صلى الله عليه وسلم) ordered him to do this;[37] and this shows it's disliked to ask others for things without a need, and frequently relying upon the creation.

This is also is why Shaykh Ahmad Jibrīl said constantly asking people to make du'ā for you is disliked, and there's higher chances of your own du'ā being accepted if you're in need of it. It also teaches us that Islām is a way of life which rebukes laziness, and the Prophet himself would seek refuge in Allāh from laziness & cowardliness.

At the same time, one should not take this to an extreme thinking it's disliked or a lack of Tawhīd to ask your mother or wife to cook food for you, or do a favour for you, as the Messenger (صلى الله عليه وسلم) warned against going into extremes in the Dīn, and this is in reality imitating the people of the Book who would add things which weren't prescribed upon them, which is what Allāh said, *"O People of the Book, don't go to extremes in your Dīn"*.[38]

2) Minor Shirk in Tawakkul — The Imāms of the Hanbalī Madhab, such as Mūsā al-Hajjāwī have defined minor shirk as a lack of purifying one's sincerity in 'Ibādah to Allāh, without directing an act of worship to other than Allāh (which is why it's not major shirk).

Let's provide a few examples;

i) We all know "showing off" & "swearing by one's mother" is minor shirk, but why is it minor shirk? The reason is because when you do a good deed such as reciting Qur'ān for attaining Allāh's pleasure & rewards, but you're reciting to get praise from people & so forth, then you haven't purified your 'Ibādah to Allāh, and it's not major shirk, as you didn't direct this 'Ibādah to these people, i.e. You did not recite these Qur'ān for the sake of other than Allāh, seeking their pleasure/rewards.

The reason taking an oath by other than Allāh is minor shirk is due to the fact you haven't purified the exaltation of Allāh completely, and this could lead to major shirk of exalting others equal or more than Allāh. For this sabab, Shaykh Ahmad Jibrīl stated that it's minor shirk to have those decorative designs on the wall which

[37] Related in "Sahīh al-Bukhārī" & "Sahīh Muslim".
[38] Sūrah al-Mā'idah, Āyāh 77.

have the name "Allāh & Muhammad" next to each other on the equal level, rather the name of Allāh must be higher than the Prophet's name.

The Prophet (صلى الله عليه وسلم) also clarified it's minor shirk to say, "If Allāh & Muhammad wills", rather you should say, "If Allāh wills, then if Muhammad wills", or similar separations.

ii) Minor Shirk is to also innovate a reason for something which isn't prescribed by Allāh. This is why things such as amulets & trees are minor shirk to believe they are a means of protection to rely upon by Allāh's permission. Since Allāh never made such things as a means for protection, unlike the case of making Thikr, or believing guardian angels protect us & bless our gatherings by the permission of Allāh. These fall under permissible forms of seeking protection, just like relying on a doctor for treatment is permissible.

iii) It's also important to note that scholars can differ on what falls under minor shirk, such as;

• There are 2 opinions on whether abandoning a Sunnah out of fear of Riyā' is minor shirk;

1) Al-Fudayl Ibn 'Iyādh from the early Hanafī Imāms of the Salaf & Nawawī from the Shāfi'iyyah said it's minor shirk.

2) It's not minor shirk, in fact he can receive double the reward, for doing the Sunnah, and repelling Riyā' and the whispers of Shaytān.

As for abandoning a wājib out of fear of showing off, then he's sinful by Ijmā'.

• There are 2 opinions on whether a reciter of Qur'ān who starts to receive whispers of Riyā' and doesn't try repelling he's showing off has fell into minor shirk;

1) Imām Ahmad said he has fallen into minor shirk and his deed is nullified. As the Prophet (صلى الله عليه وسلم) said, Allāh doesn't need his shirk.

2) He will keep his reward, and there's no sin upon him, and his deed isn't nullified.

Just to add a side benefit, there are 2 opinions on the sin of whoever is "determined" to a do a sin/leave a wājib;

1) Sinful according to the majority, as adopted by Sufyān at-Thawri and ‘Abdullāh Ibn al-Mubārak.

2) No sin according to Ibn Hāmid al-Hanbalī and others. Just like there's no sin on whispering thoughts.

iv) Another example of minor shirk is what the sons of Muhammad Ibn ‘Abdil-Wahhāb, Husayn & ‘Abdullāh said that speaking in a highly fearful fashion about Kuffār = shirk due to not purifying one's Tawakkul and Fear of Allāh.[39]

3) Major Shirk in Tawakkul — Relying upon anything independently of Allāh, whether it's a tree, or doctor, believing they provide blessings or protection on their own, without Allāh's permission.

So, Inshā'Allāh this explanation sums up the difference between minor/major shirk, and how the Sahābah's request is unclear, hence the Excuser opposed an Ijmā' in Usūl by saying they fell into Kufr Akbar to begin with, wallāhul-Musta'ān.

[End of benefits related to Tawakkul]

b) The ‘Āthir claims the Sahābah fell into Kufr as the Prophet (صلى الله عليه وسلم) said;

“By Allāh, you have said just as Banī Isrā'īl said to Mūsā; Give us an ilāh — (deity — something to seek nearness to Allāh) just like they have deities (i.e. the mushrikīn).”

The reply to this, is that the ‘Āthir has opposed another Ijmā' of the Salaf in their Usūl. Since the Prophet, Sahābah & Salaf all agree on using examples of major shirk/major Kufr for matters that are harām/minor shirk, and the wisdom can be numerous reasons, although a primary reason could be that sins/minor shirk (which reduces one's Īmān) can lead to major shirk (negating one's Īmān), so this is a clear warning of holding onto one's Īmān!

We tell the ‘Āthir, do you view the noble Sahābī who said to the Prophet (صلى الله عليه وسلم);

“If Allāh & you will” fall into Kufr? Since the Prophet (صلى الله عليه وسلم) replied; “Have you ascribed me as a partner onto Allāh?! Say, if Allāh wills alone”.

[39] Refer to “Fatāwā Najdiyyah” (1/41).

If the ‘Āthir claims the Sahābī fell into major shirk, then that's ignorance & contrary to Ijmā'. However, if the ‘Āthir claims the Sahābī did NOT fall into major shirk, then we tell him, why did you separate between 2 identical matters, as the people of innovation do? Thus, he has no choice except to retract his Bātil statement.

Furthermore, there are 2 opinions on whether Banī Isrā'īl fell into Kufr due to their statement;

• According to those who viewed it Kufr, this doesn't imply the Sahābah falling into Kufr as aforementioned.

• As for the 2nd opinion, which views their statement Harām & merely asking for something "similar" to what the mushrikīn have, but not an actual deity to be worshipped, as adapted by Imām al-Baghāwī and other Mufassirūn, then this invalidates the argument of the ‘Āthir, as the example used by the Prophet is not even major Kufr according to these scholars, so how can the Sahābah fall into Kufr?

A simple request from the ‘Āthir is to inform us which Imāms considered the Sahābah's statement as major shirk & excused due to ignorance of the ruling (being major shirk).

Since on the other hand, we are able to easily mention many Imāms who stated they didn't fall into Kufr, but simply wanted something "similar" to the mushrikīn, and the scholars I recall from memory who stated this are;

Imām ash-Shātibī al-Mālikī, Imām an-Nawawī ash-Shāfi'ī al-Khattābī, Ibn al-Qayyim, Shawkānī, Najdī Imāms, starting from Muhammad Ibn ‘Abdil-Wahhāb, Muhammad Ibn Husayn al-Faqeeh,[40] along with others who commented upon this narration.

c) Even if we were to admit the narration refers to major shirk, it's considered an Āhād narration authenticated by Imām Abū ‘Īsā at-Tirmidhī, and since the Mutawātir proof affirms shirk before the Risālah, negating any excuse, this narration would be considered rejected as a weak solitary proof, as the Imāms of Usūl would determine, along with the Muhaddithīn (this is only a final resort when combining proof isn't possible).

[40] Refer to "Al-Kashf al-Mudbi" (1/41).

After citing examples of unclear evidences used by the ‘Āthir from the Qur'ān & Sunnah, I'll provide some famous examples used by the ‘Āthir taking the statements of scholars out of context.

i) Since we just left off regarding the hadīth of the Thāt Anwāt, a primary typical occurrence from the ‘Āthir is to accuse the classical scholars of Islām of contradicting themselves, when the ‘Āthir should accuse his poor understanding of scholarly words. For instance, Imām Muhammad Ibn ‘Abdil-Wahhāb (Died 1206AH) mentioned that the Sahābah fell into Kufr, and if they were to persist, after the order of the Prophet (صلى الله عليه وسلم), they would've become Kuffār.[41] The ‘Āthir thinks the Imām intended they fell into "major Kufr" and were excused, but if they were to persist after the command of the Prophet (صلى الله عليه وسلم), they would disbelieve.

Shaykh ‘Alī al-Khudayr (فك الله أسره) stated that the Imām means they fell into "minor" Kufr/Shirk, but if they were to directly disobey the Prophet (صلى الله عليه وسلم) after his order not to proceed, they would have disbelieved due to arrogance and rejecting the Prophet's prohibition of this "minor shirk" matter, as they thought it was Halāl (they wouldn't request Harām intentionally). This is similar to Iblīs being commanded to prostrate to Ādām (عليه السلام) but refused due to arrogance.

ii) Another example the ‘Āthir used is the statement of Ibn Taymiyyah (رحمه الله), that many of the Tatār "entered Islām" while they seek nearness/worship fire and a wooden idol, not knowing this is Harām in Islām, and there's no punishment on these people except after the Hujjah is shown. The ‘Āthir claims that these Tatār entered Islām "truly" even though they didn't abandon shirk, which is a condition of Lā ilāha ilā Allāh, i.e. Ikhlās.

Shaykh ‘Alī al-Khudayr also refutes this invalid claim and he clarifies that according to the terminology of Ibn Taymiyyah, "entered Islām" doesn't necessarily mean "truly entered Islām" (Haqīqatan), but rather it means they simply uttered the Shahādah, and "entered Islām Hukman" (as a legal ruling — hence they're apostates).[42] We will clarify this in detail Inshā'Allāh when speaking about Islām Hukmī & Islām Haqīqī and show how the ‘Āthir has opposed an Ijmā' Qat'ee by using this example, excusing idol worshippers (the likes of Ibn ‘Uthaymīn).

[41] Refer to the end of "Kashf ash-Shubuhāt".
[42] Refer to "Sharh Kitāb al-Haqā'iq Fi-Tawhīd".

Furthermore, what Ibn Taymiyyah meant by "no punishment" is NOT to call them Muslims as the next example will explain, but it means those who didn't have the ability to learn the ruling of their shirk will not be punished in the dunyā & Ākhirah until they are displayed the ruling or able to learn it. As they take a similar ruling to Ahlul-Fatrah — no difference between being ignorant of the ruling before & after the Risālah.

Hence, when someone of the students of Muhammad Ibn 'Abdil-Wahhāb asked if the Hujjah was established upon the Tawāghīt of their time (in terms of being punished), the Imām replied; How can you doubt this while I have clarified it to you countless of times, the one who the Hujjah hasn't been established upon is the one who is new to Islām, the one in a remote distance area, and in an unclear matter such as Sarf & 'Atf.[43] The reason Imām Muhammad considered this Sihr as "unclear" is because it can be performed via words of Shirk & seeking aid from the Jinn or without shirk, hence it's not permissible to rush into Takfīr on Sihr as Imām al-Qarāfī al-Mālikī (Died 684AH) stated until it's known what type of Sihr is used.

iii) A 3rd example the 'Āthir used is that the Hanbalī Madhab view the blind follower who opposes a Qat'ee matter as a Fāsiq, as Ibn 'Aqīl, Ibn an-Najjār & Mūsā al-Hajjāwī stated. Then he applies their words on the mushrik!

Yes, Ibn 'Aqīl al-Hanbalī stated opposing Qat'ee proof as an ignorant blind follower makes one a Fāsiq (Kāfir when doubts are removed), but at the same time Ibn 'Aqīl stated the ignorant blind followers who call upon the dead are "Kuffār", which explicitly displays the difference between major Shirk/Kufr Sareeh & unclear matters which oppose the text according to the Madhab.

Also, the words of Ibn 'Aqīl al-Hanbalī (Died 513AH) were immensely praised by Ibn al-Qayyim, to the extent that he repeated his words and relied upon it. This statement was also praised by noble Imāms of Najd, such as Shaykh 'Abdur-Rahmān Ibn Hasan Āl-ash-Shaykh. Hence, according to the Hanbalī Madhab, along with every other Madhab, the ignorant mushrik is not excused due to Jahl. However, the one who opposes a Qat'ee text from the unclear matters is excused due to ignorance.

[43] *Sarf:* Causing 2 loves ones to hate & separate from each other. *'Atf:* Using Sihr to bring 2 people together.

Thus, the ‘Āthir fell into the same mistake of using the Hanbalī Madhab as proof, similar to how he used the statements of Ibn Taymiyyah as proof. Since according to Ibn Taymiyyah, he says the exact same thing as the Hanbalī Madhab, and Imām Muhammad Ibn ‘Abdil-Wahhāb (Died 1206AH) stated that Ibn Taymiyyah doesn't view excuse of ignorance in clear matters (let alone major shirk).[44]

iv) The final & biggest mistake of the ‘Āthir is a lack of knowledge concerning the 2 opinions of the scholars regarding the "Terminology" of the 2 terms "Kufr & Takfīr". Furthermore, no-one should belittle the importance of knowing the terminology of a scholar, as the Imāms of ‘Aqīdah have stated that every deviant sect deviated due to a mere linguistic mistake.

For example, the Murji'ah defined "Īmān" incorrectly due to not understanding the terms of Qur'ān & Sunnah. On the other hand, most of the Khawārij deviated for denying "Rajm" due to misinterpreting the word "Muhsanāt" as married women, instead of "free women" when Allāh said the servant has half the punishment as the free woman. Ibn Jarīr at-Tabarī even viewed them Kuffār for this.

Also, everyone who studies the science of hadīth knows how crucial it is to perfect the terms of the Muhaddithīn, which is why there's a science called "Mustalah al-Hadīth". A simple example is that Imām Yahyā Ibn Ma'īn can say "this hadīth is munkar", while he only intends this specific chain of transmission, not the whole hadīth in general. Another example is that, ‘Alī Ibn al-Madīnī may call a narrator "trustworthy" and only intend he's trustworthy in terms of his Dīn, i.e. Doesn't tell a lie/fabricate hadīth, but at the same time, he may not be reliable due to his poor memory.

After this important introduction, the ‘Āthir claims Ibn Taymiyyah & Ibn ‘Abdil-Wahhāb don't make Takfīr upon the one who commits shirk by calling upon the dead or worshipping an idol until the Hujjah is established on this individual.

The reply to this claim will be provided now ending this point Inshā'Allāh.

Our reply is "Yes", Ibn Taymiyyah, Ibn al-Qayyim & the Imāms of Najd don't make Takfīr upon the ignorant idol worshippers, until the Hujjah is established upon them.

[44] Refer to "Ad-Durar as-Saniyyah" (9/465).

However, according to the terminology of these scholars, Kufr & Takfīr has a specific definition as Imām Abū al-'Abbās Ibn Taymiyyah stated;

"The Kufr which renders punishment only occurs after the Risālah".[45]

Hence, Kufr is 2 types;

1) Ibn Taymiyyah says that the label of shirk is affirmed before the Risālah, and he provided many evidences from the Qur'ān proving this "Kufr" before the Risālah, whereby an individual deserves to be punished for this shirk, but the condition which "renders" punishment is the arrival of a text/messenger.[46]

Moreover, Ibn Taymiyyah approved of Imām Al-Marwazī's statement that "ignorance of Allāh" is Kufr before the Risālah & after it. According to the explanation of Ibn Taymiyyah, shirk before the Risālah = "Ism of Kufr", but remaining upon this shirk after the Risālah or committing any Kufr which involves denying the text = "Hukm & Ism of Kufr".

2) As aforementioned, the 2nd type of Kufr related to being called a Kāfir & punished in afterlife/dunyā. Although in the 1st type of Kufr, the words to describe that individual is "mushrik" or "not a Muslim" or "worshipping other than Allāh", but as for the term "Kāfir", he would predominantly use this after the Risālah.

Hence, the challenge for the 'Āthir is to find "1 clear quote" where Ibn Taymiyyah or anyone else labels the one who commits shirk as a "MUSLIM" or does NOT "deserve punishment".

Also, Ibn al-Qayyim (رحمه الله) alludes to the 2 opinions among the scholars,[47] on using this terminology on "Kufr & Takfīr", so he stated in summary;

1) Kufr means to "deny" (conceal) linguistically, hence whoever commits shirk before the Risālah is not a Kāfir, nor is he a "Believer", so he's not to be married, given salāms, sought forgiveness for or prayed upon.

2) We agree for argument's sake, he's a Kāfir (alluding to the majority who don't use the 1st terminology), but he is not punished until the Hujjah is established, as that's a condition for punishment.[48]

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[45] Refer to "Majmū' al-Fatāwā" (14/137-147).
[46] Ibid (21/37).
[47] Refer to "Madārij as-Sālikīn" (Vol. 1).
[48] Refer to "It'hāf al-Barara Fī Mawāni' at-Takfīr al-Mu'tabarah" (pp. 40-50) by Shaykh Muhammad Sālim al-Majlisī ash-Shinqītī.

Ponder over this amazing quote by Imām Ibn al-Qayyim (رحمه الله), he explicitly clarified that he's not a "Believer" according to both opinions, although one might say the 1st opinion is confusing; How is it possible for someone to not be a "Kāfir or Believer", this is similar to the misguided Mu'tazilah on affirming a 3rd category for mankind.

Also, it appears Ibn 'Aqīl also used this term as he said about grave worshippers (blind followers), "According to me, they're Kuffār" (i.e. in dunyā & Ākhirah) because they're able to learn the Hukm.

Although the one who knows his terminology will have no issue understanding his words as we clarified above.

Concerning the 2nd category/opinion, Ibn al-Qayyim is trying to show that even if we call him a Kāfir, he is not to be punished until the Risālah arrives, as he is trying to support the argument of "no punishment" for committing shirk before Risālah, which we clarified in an earlier point, and Allāh knows best.

To also add, I asked Shaykh Hassān Husayn on whether anyone prior to Ibn Taymiyyah and the Nadjī Imāms used this terminology on Kufr & Takfīr. The Shaykh replied he doesn't know any Sunnī Imāms who adopted this, which shows it's a terminology firstly used by Falāsifah (Philosophers/Ash'arī Imāms), and the reason I say that will be clarified shortly Inshā'Allāh, as Shaykh Hassān recommended me a book called "Sadād ad-Dīn" by Imām al-Barzanjī (Died 1103AH), who was the best to clarify the Ash'arī position of Kufr & Takfīr.

After reading this book, the first Imām I came across to use this terminology was Imām Abū Hāmid al-Ghazālī (Died 505AH), who passed away 200 years before Ibn Taymiyyah was born! Both al-Ghazālī & Barzanjī clarified they don't make Takfīr upon the one who falls into shirk before the Risālah, but he is not considered a Muslim who's slaughter of animals is eaten, prayed upon etc...

Although, the difference between the Ashā'irah & Imāms of Sunnah who used this terminology, is that the Ashā'irah don't even view the mushrikīn deserving of punishment, and that's a very strong assumption on them using this terminology, which is pure misguidance. After knowing this, it's also a very strong assumption to say Ibn Taymiyyah used this terminology as he was known to use philosophical terms to refute the innovators.

Finally, the Imāms of Najd have the same explanation as written above, Inshā'Allāh this ends this point.

8) The Shahādah of the one who performs Clear Kufr

The 'Āthir also opposes an Ijmā' Qat'ee on considering the Shahādah of an individual who doesn't fulfill the conditions of Lā ilāha ilā Allāh, which is to abandon shirk. This takes us to the topic of whoever utters the Shahādah whilst performing Kufr Sareeh, such as shirk. There are 2 opinions according to the Fuqahā' of Islām;

a) They entered Islām by Hukm (ruling — not reality), hence if they don't abandon their shirk, they receive the Hukm (ruling) of Riddah, and this is according to the official position of the Shāfi'ī Madhab. Also, it's a 2nd opinion in the Hanafī & Hanbalī Madhab, and a very weak opinion in the Mālikī Madhab.

Imām ash-Shirbīnī from the later Shāfi'ī Imāms, who passed away around 200 years ago (1200'sAH) clarified that this is NOT "Real True Apostasy", rather it is Riddah Hukmiyyah, since no "true Islām" was affirmed to begin with, hence there's no "true apostasy" whose definition = Leaving Islām for Kufr. Rather "Islām Hukmī" was affirmed due to mere affiliation & utterance of Shahādah, hence they have a "Riddah Hukmiyyah" (which you can say is a metaphorical apostasy according to Islām).

To further understand this concept of "Islām Hukmī" & "Riddah Hukmiyyah", along with the reason why the Shāfi'ī Madhab considers sects such as the Nusayriyyah & Ismā'īliyyah as Murtaddīn, that's due to the topic of "The ruling on the child of the Murtad";

1) According to the official position of the Shāfi'ī Madhab, the child = Muslim (Islām Hukmī, not Haqīqī), as cited by an-Nawawī.

2) According to the official of the Hanafī Madhab, the child = Murtad (Riddah Hukmiyyah), as cited by Muhammad Ibn Hasan.

3) According to the official position of the Hanbalī Madhab, the child = Kāfir Aslī (Kufr Aslī Hukm), as cited by Ibn Qudāmah.

Just to explain the terms "Haqīqī" (true Islām or true Kufr), the child doesn't have either ruling, since "True Islām" or "True disbelief" ONLY occurs while a person has complete intellect and has reached the age of being held to account (also known as "Taklīf").

Hence, the child takes a "Islām or Kufr Hukmī" ruling, i.e. A metaphorical Islām or Kufr. So according to the Shāfi'iyyah, even if the child's parents are apostates, he takes the ruling of remaining upon the "Fitrah". Whereas according to the other Madhabs, the ruling of the child varies depending upon his situation, such as if he was adopted by Kuffār, he takes the ruling of Kufr "Hukman". This is also known as "Hukm of Taba'iyyah" (i.e. affiliation to parents, then owner, then one's land if the former is unknown). That's why the Shāfi'īs say when the children of Nusayri became mature and choose the path of their parents, they have left "Islām Hukmī" to disbelief, which would be metaphoric apostasy for generations continuously!

b) They don't enter Islām via Hukm due to uttering the Shahādah, rather they remain Kāfir Aslī, and this is the official position of the Hanafī, Mālikī & Hanbalī Madhab, along with the second opinion in the Shāfi'ī Madhab adopted by Imām Abū Ishāq al-Isfarāyīnī (4th century scholar).

There are 2 general reasons given for this;

• Imām Ibn Qudāmah al-Hanbalī (Died 620AH) mentioned that if there's a strong assumption that an individual intends what he's upon from the Shahādah, it's rejected.[49] For that reason, Imām al-Māwardī (Died 450AH) — a Shāfi'ī Imām — even mentioned 3 opinions whether it's a "condition" to make a disassociation from one's own creed when uttering the Shahādah;

i) It's a condition at all times.

ii) It's only a condition for those like the Yahūd who believe Muhammad is a Prophet for the Arabs only, so when they testify Muhammad is a Messenger, they must specifically state to all mankind. This is a good explanation for Ibn Qudāmah's statement, as there's a high assumption they intend what they're upon of Kufr whilst uttering the Shahādah.

iii) It's recommended, but not a condition.[50]

• Imām Ibn 'Ābidīn al-Hanafī (Died 1250AH) mentioned that the extreme Rāfidah who pray and fast, are not apostates when uttering the Shahādah, as they haven't abandoned their false beliefs. Rather, they are Kuffār Aslīyyīn.[51] His son stated to rely upon these words.

[49] Refer to "Al-Mughnī".
[50] Refer to "Al-Hāwī al-Kābir" (Vol. 13).
[51] Refer to Imām Ibn 'Ābidīn al-Hanafī's "Hāshiyah".

He also stated the Bātiniyyah are Kuffār Aslīyyīn,[52] and this is what the Hanafī Madhab relied upon, with 2 great Mufti's of Tripoli (Lebanon) & Damascus from 1200-1300AH. As for the past decades, many people from Lebanon still hold onto Hanafī Fiqh of Wudū' & Salāh, but don't go beyond that. May Allāh guide them back to their roots.

The Hanafī Muftī of Damascus around 1000-1050AH, 'Alī al-Murādī (رحمه الله) also cited a difference of opinion whether the Nusayriyyah are Kuffār Aslīyyīn or Murtaddīn (Hukman). As for the narration where a Jew mockingly said the Shahādah & Imām Ahmad said he's a Murtad (Hukman), Ibn an-Najjār cited this regarding those who adopt the view that they receive Hukm of Islām, even if it was a joke, just like the mocker of Kufr receives the Hukm of Kufr, although Ibn an-Najjār states the official position in the Hanbalī school is that he does not receive the Hukm of Islām.[53]

Furthermore, mockingly saying the Shahādah is NOT the same as mockingly saying Kufr, as Imām Tahāwī from the expert Hanafī Imāms of the 3rd & 4th century stated that it's much easier to fall into Kufr compared to entering Islām (this is the wisdom of being tested), as you must believe in everything from the Qur'ān to be a Muslim, whereas denying a single matter can negate your Islām/Shahādah.

Regarding the children of Murtaddīn, it's understandable for the Hanbalī Madhab to consider those who utter the Shahādah whilst committing shirk are Kuffār Aslīyyīn, as the child is originally considered "Kāfir Aslī". Hence, when he becomes mature or 7 years old according to the Hanbalī Madhab, this "Kufr Aslī" (as a metaphoric Hukm) turns into a "True Kufr Aslī".

However, what about the Hanafī Madhab who consider the child as "Kāfir Murtad", shouldn't this imply that when he reaches maturity, he turns into a "True Kāfir Murtad"?

Imām Ibn Nujaym al-Hanafī & Imām al-Kāsānī al-Hanafī gave the answer to this by saying the child is given a metaphoric Hukm of apostasy due to affiliation to the parents, although once he matures, and breaks off the Hukm of affiliation, he is called a "True Kāfir Aslī", since he was never preceded with "True Islām", nor

[52] Refer to "Radd al-Muhtār" (4/264).
[53] Refer to "Muntahā al-Irādāt".

"metaphoric Islām", hence he can't be considered a "True apostate".[54] True apostasy can only occur via this, it can't come from metaphoric apostasy.

However, what if he utters Shahādah? Once again, according to the Usūl of most Madhabs, this doesn't give you the Hukm of Islām, so they're still Kāfir Aslī. Therefore, this topic returns back to these 2 principles. The opinion that the Rāfidah are Kuffār Aslīyyīn was also adopted by the Hanbalī Imāms of Najd, such as Imām Hamad Ibn Nāsir & Imām Abū Butayn, along with Imām as-San'ānī (Died 1182AH) who does NOT ascribe to any Madhab. Also, from the contemporaries you have 'Alī al-Khudayr, Tuwayli'ī and Ahmad al-Khālidī.

[8.1 Clarification on the terms "Islām Hukmī" & "Islām Haqīqī"]

A final addition will be made concerning the Mālikiyyah and the term "Islām Hukmī" to end this point.

The Mālikī Madhab (like all other scholars) judge by the apparent on considering someone a Muslim, due to uttering the Shahādah and not displaying any Kufr, although the Mālikī Madhab took it a step further. The Mālikī's said if someone enters Islām, then it later becomes apparent to us, he did not act upon the fundamental pillars of Islām, or didn't fulfill the pillars of Īmān/Shahādah, he is not labelled an apostate, rather he's a Kāfir Aslī who never perfected his Islām to begin with, and this is mentioned by the authorities of the Mālikī Madhab, such as al-Akhdarī, Ibn 'Awd, Ibn Farhūn, al-Khiraqī, al-Winshirīsī and more, and they stated the opinion that he's a Murtad is "weak" within the Madhab.

So even if someone displays Islām, then reverts to his old faith, without understanding the fundamentals of Islām, he's a Kāfir Aslī, even if he was previously judged as a "Muslim" by the apparent. For that reason, Imām al-Winshirīsī (Died 911AH) and others stated if a man marries a woman (assuming she's Muslim), but then it becomes apparent to him she doesn't know the difference between Allāh and Muhammad, she's a Kāfir Aslīyyah who takes the Hukm of the Majūs, and he must separate from her.

An important note on the term "Islām Hukmī" & "Islām Haqīqī", the major Imām of the Hanābilah, al-Barbahārī (Died approximately 321AH) stated that if someone sacrifices to other than Allāh (such as at the graves), it's an obligation upon you to

[54] Refer to "Al-Bahr ar-Rā'iq" & "Badā'i' as-Sanā'ī'".

take him outside of Islām, but if someone doesn't display any of that (shirk etc...), then he's a Muslim by "Hukm", not by "Haqīqah".[55]

What he means by the term "Islām Hukmī" here is that he is judged as a "true Muslim" in the dunyā by the apparent, but we don't say he's a "Muslim Haqīqatan" (truly) in the sense of internally being a Muslim, as only Allāh knows if he's a "true believer", and in the Ākhirah, he could be a Munāfiq!

When we used the term "Islām Hukmī" & "Islām Haqīqī", we intended something else, which is what Imām Ibn Jarīr at-Tabarī mentioned the Āyāh where Ibrāhīm said *"This is my Lord, this is greater"*.[56] The majority stated the context of this Āyāh is that he was debating the mushrikīn, and although Tabarī mentioned he thought the sun & moon was Allāh, he cited an opinion that stated Ibrāhīm (عليه السلام) was under maturity when he said this, "Where there's no Īmān & Kufr".

What is meant by "No Īmān & Kufr" is no true Islām (i.e. Haqīqī" as we clarified why earlier, hence he can only take an "Islām Hukmī" (i.e. Metaphorical Islām), wallāhu a'lam!

This ends this point, and Inshā'Allāh it's clear that it makes no difference if we judge the mushrikīn who utter the Shahādah as being Kāfir Aslī or Kāfir Murtad, except in dealings.

An interesting "Historical benefit" is that 'Uthmān Ibn Fūdī al-Mālikī (Died 1232AH) cited a statement from Imām 'Abdul-Azīz al-Andalusī that the Christians and Jews were accustomed to saying "Lā ilāha ilā Allāh, Muhammadu Rasūlullāh" in Baghdād, unlike Egypt.[57] Some excusers almost viewed them excused, in fact some claim an excuse, due to believing 'Īsā (عليه السلام) is the son of Allāh, due to them uttering the Shahādah, whereas others stated the governor didn't do his job on Murtaddīn, but what's correct is that they were dealt with as Kuffār Aslīyyīn who can live among Muslims with Jizyā (protection tax), even if they uttered the Shahādah (however there's also a dispute on whether all Kāfir Aslī's can pay Jizyā), wallāhu a'lam.

[55] Refer to "Sharh as-Sunnah".
[56] Refer to "Tafsīr at-Tabarī".
[57] Refer to "Al-Hāwī".

9) When does one become a 'Āsī (disobedient sinner), Fāsiq (transgressor), Mubtadi' (innovator) and Kāfir (disbeliever)?

a) Rulings of Islām are divided into 2 types: Qat'ee (Clear-cut) & Thannī (highly assumed).

Furthermore, scholars differ on what falls under these 2 categories, from speaking about the "authenticity of the proof", and the "indicated meaning of the proof". For example, every proof cited from the Qur'ān is Qat'ee in "authenticity", but it could be Thannī in its given meaning. Determining whether a proof is Thannī/Qat'ee has been done by the scholars of Islām, and they authored books on the topic, such as "Dalālāt al-Alfāth" (the indications of words), and Ya'qūb Ibn Husayn authored 2 volumes (624 pages each) on this topic.

Likewise, Shaykh al-Islām Ibn Taymiyyah stated that according to the vast majority of 'Ulamā' from the 4 Madhabs, an Āhād hadīth is Thannī (in authenticity), whilst a Mutawātir hadīth is Qat'ee (like the Qur'ān), although what Bukhārī & Muslim agree upon is considered Qat'ee according to the vast majority of the 4 Imāms/Madhabs.[58]

Imām Abū al-Khattāb al-Hanbalī (Died 503AH) stated what Bukhārī & Muslim agree upon takes the Hukm of Mutawātir, even if the Isnād (chain of transmission) is Āhād (for example 2 chains).[59]

Imām Ibn Abī al-'Izz al-Hanafī also stated that according to the overwhelming majority of 'Ulamā', what Bukhārī & Muslim agree upon is a category of Mutawātir.[60]

Although a minority of scholars stated what Bukhārī & Muslim agree upon is Āhād & Thannī, the only difference is that one doesn't need to investigate the authenticity, unlike in other compilations of hadīth, as Imām an-Nawawī said.

However, Imām Ibn as-Salāh ash-Shāfi'ī rejected that opinion and even stated what Bukhārī & Muslim agree upon is stronger than a Mutawātir hadīth, since the Ummah agreed upon Bukhārī & Muslim, and the Prophet (صلى الله عليه وسلم) said, "My Ummah doesn't agree upon misguidance", and Ibn Hajr al-'Asqalānī and Ibn

[58] Refer "Majmū' al-Fatāwā".
[59] Refer to "Usūl al-Fiqh" (Vol. 4).
[60] Refer to "Sharh at-Tahāwiyyah".

Kathīr from the Shāfi'ī Imāms agreed with Ibn as-Salāh and dismissed Imām an-Nawawī's opinion.

Mentioning this will help us understand the following points Inshā'Allāh, as if we have a single matter/hadīth which is narrated by Bukhārī & Muslim, depending upon whether you view it as Qat'ee or Thannī, respective rulings would be given. For example, if someone denies an issue which is narrated in the "Sahīhayn", the vast majority of scholars from the 4 Madhabs would consider such denial as a nullifier of Islām. Whereas, the minority of scholars would consider its denial a major sin (Fisq).

That's because opposing a Qat'ee ruling = Kufr (or can reach Kufr). Whereas opposing a Thannī ruling can only reach Fisq, and that's because Qat'ee rulings imply certain knowledge, unlike Thannī which we strongly assumed.

[9.1 The 3 important points to remember when applying rulings and labels]

Therefore, we observe 3 main things when it comes to applying rulings & accurate labels;

i) If Allāh or the Prophet prohibit something, i.e. The text labels an action as a sin (or mentions a curse etc...).

— Firstly, a rule the scholars follow is to observe the authenticity before the wording of the text, as if it's found out to be rejected in authenticity, one cannot derive a ruling. However, let's assume the authenticity is accepted as Thannī, such as it being narrated in "Sahīh al-Bukhārī", and let's give an example of keeping the trousers below the ankle.

— Secondly, the scholars also observe whether this "prohibition" is clear or unclear. For example, if the prohibition is related to the act itself or due to a side factor. For instance, Imām Ahmad narrated a hadīth that a cursed type of people will come who dye their hair black.[61]

One scholar may understand that this is a prohibition of dying the hair black, whereas another scholar may not view this prohibition clear and interpret it to mean they will be cursed due to imitating people who are immoral and the Prophet

[61] Refer to "Musnad Ahmad".

(صلى الله عليه وسلم) simply described their features just like he said the Khawārij are known to be bald.

Also, one may consider the prohibition unclear in terms of referring to "dislike", and not a firmly prohibited ruling, such as the addition of Jābir Ibn 'Abdillāh found in "Sahīh Muslim" that the Prophet (صلى الله عليه وسلم) advised a man to dye his beard white like a certain type of plant, "But avoid black". Imām ash-Shāfi'ī understood the Prophet's statement "avoid black" as a firm prohibition, whereas Imām Ahmad understood it to mean that it's "disliked", as when the Prophet (صلى الله عليه وسلم) advised him to dye the beard white, this is not an obligation, but rather a recommendation, so likewise with avoiding black, it's not an obligation to avoid, but recommended.

Furthermore, Imām Ibn Qudāmah al-Hanbalī (Died 620AH) stated that this ruling refers to men instead of women.[62] As by nature, women can adorn themselves and have specific ruling which vary to men, such as wearing silk, gold, and even lessening the burden of certain rulings like undoing braids for Ghusl etc...(due to how time consuming it is to do them again).

Going back to the example of keeping trousers beneath the ankle, we have 3 main hadīths;

a) The Prophet (صلى الله عليه وسلم) said to not have the trousers beneath the ankle.

b) The Prophet (صلى الله عليه وسلم) said Allāh won't look at the person who arrogantly drags his trousers beneath the ankle.

c) The Prophet (صلى الله عليه وسلم) excused Abū Bakr as-Siddīq for having his trousers beneath the ankle, as he's not arrogant.

What the scholars determined as a clear sin here is arrogance, hence whoever thinks you can "generally" drag the trousers beneath the ankle out of pride is misguided, as this is a clear sin.

Although, the scholars differed into 3 opinions for doing so without arrogance;

1) Ibn Taymiyyah said it's "Halāl"

2) The Hanbalī Madhab and most later scholars view it "makrūh"

[62] Refer "Al-Mughnī".

3) Many other Fuqahā' view it "Harām".

Also, if scholars differ on the intended meaning of a hadīth (dalālah), it's a Thannī matter which revolves around 1 & 2 rewards for Ijtihād, even if the authenticity was Qat'ee. Although if the intended meaning is clear and agreed upon, along with the authenticity, opposing this ruling becomes a Bid'ah as we'll clarify in the next point.

Conclusion to Point (i): If the Thannī/Qat'ee text labels something as a sin, it's called "Sareeh". Also, by Asl (default), it's considered a minor sin until proven that it's a major sin. It's considered a major sin via the following; If it contains a Hadd (penalty in Dunyā), a curse (For example, tattoos), a punishment in the Ākhirah (For example, Allāh not looking at a person), and persistence upon a minor sin without making Tawbah from it.

The aforementioned conclusion clarifies when a person is considered an 'Āsī and Fāsiq. Also, some scholars may differ on matters related to "manners" such as food and answering the call to nature, some scholars consider the Asl on prohibitions in this topic as "Makrūh" until proven otherwise. Also, we clarified that the Asl of prohibitions/sins refers to minor until proven major. Whereas, by Ijmā', if the text states something is "Kufr or Shirk", it refers to major Kufr, until proven minor Kufr. So, keep this in mind.

ii) Opposing a Thannī text/Ijmā' as we clarified in the beginning of this entire point, can reach Fisq. If there are valid misconceptions, a person is sinful at the very least for his bid'ah and opposing a confirmed Ijmā' Thannī, but if his misconceptions are invalid, then he's a Fāsiq.

Examples may include, Nikāh al-Mut'ah, wiping over the socks (for whoever views it Thannī), and Zakāt al-Fitr. Another instance, Shaykh Abū 'Īsā al-Hanafī (4th century scholar) mentioned is, acting upon a strange rejected narration, as cited by as-Sarkhasī (Died 473AH).[63]

The reason a person can be sinful for acting upon a rejected narration is that it can oppose other authentic agreed upon proof, hence be considered an innovation.

Opposing a Qat'ee text/Ijmā' can reach Kufr. If there are valid misconceptions, a person is a sinful Fāsiq at the very least, but if his misconceptions are invalid, he's a Kāfir.

[63] Refer to as-Sarkhasī's "Usūl".

Examples may include obligating Salāh upon a menstruating woman, denying Rajm, rejecting punishment in the grave, denying intercession of the Prophet (صلى الله عليه وسلم) for major sinners in the Ākhirah and so forth.

iii) Important Rule; We don't observe the "number" of innovations to judge someone as a Mubtadi' Fāsiq, rather we observe each matter/innovation accordingly.

For instance, an individual may fall into 20 innovations, yet not be judged as a Mubtadi' Fāsiq, since they are innovations which oppose an Ijmā' Thannī, and can be open to ta'wīl, hence he's sinful for each Bid'ah, and the more innovations he has, the more his Īmān would reduce, although he's not labelled a Mubtadi' Fāsiq, rather he's still from Ahlus-Sunnah, but simply agreed with some deviant sects on certain issues.

On the other hand, an individual may simply fall into a single innovation and be judged as a Mubtadi' Fāsiq or even Kāfir, and this is when he opposes an Ijmā' Qat'ee/Mutawātir proof. So, what's observed is whether this innovation opposes "Thannī" & "Qat'ee" evidence.

To give a secular example found in man-made laws, what we have in this country is that a person is sentenced according to the highest charge, whilst his other charges aren't accumulated, although they will be in his criminal record.

For example, if someone is charged with being a member of a Terror group, and also charged with assault, fraud and reckless support or foreign incursion, the membership charge contains a maximum sentence of 10 years, whilst reckless support & foreign incursion carries 5 years or 10 years maximum to the best of my knowledge, and then you have lesser charges like assault and fraud.

Let's say a person is sentenced for 4 years due to membership, then 3 years for foreign incursion, and 10 months for assault and fraud, he served the maximum of 4 years since the day he was imprisoned, without adding the extra 10 months etc...Also if one pleads guilty, a maximum of 25% time is taken away from the sentence (If one is serving 4 years, then he'll only serve 3 years), and as the lawyers/prisoners have stated, the court process can take 2+ years before trial & sentencing, which is when a final decision must be safe on whether you're pleading innocent or guilty.

This was simply a comparison to understand how Islāmic labels of innovation/sinfulness are applied.

We'll also re-cap the topic of who Allāh addresses which is found in the start of the chapters of Fiqh, for example in a Hanafī text, the author says;

"The conditions that obligate prayer are Islām, maturity and sanity".[64]

What this means is that when Allāh says; *"Establish prayer"*, it doesn't refer to the immature boy and insane person, and according to the Hanafī Madhab and 1 of 2 opinions within the Hanbalī Madhab, it refers to the Muslim, i.e. It's not obligatory upon the Kāfir.[65]

Then the author mentions, "A person who becomes Muslim in Dār al-Harb (and doesn't fast or pray) is excused (from having to make up what he missed) due to his ignorance".[66]

The commentary states; Because the aim of the law requires the individual go have knowledge of the compulsory actions, although Imām Zufar held the view one is not excused based on his ignorance (he must make them up). This is most likely because he views Islām as the condition for its obligation, not having knowledge about the obligation of the law.

So, when Allāh says, *"Fasting is prescribed upon you"*, it doesn't refer to someone who lives away from the Muslims and isn't able to learn about its obligation. That's why the author said; "The conditions that render it obligatory (i.e. Fasting) are Islām, sanity, maturity, and to have knowledge that its obligation for those who accept Islām in Dār al-harb, or simply being in Dār al-Islām (renders it wājib)".[67]

Hence, Tāj ad-Dīn as-Subkī stated that there's an Ijmā' that a Mujtahid is sinful (i.e. Fāsiq or Kāfir) for opposing a Qat'ee proof due to Tafrīt (negligence),[68] but there's a difference of opinion if he's sinful without negligence.[69]

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[64] Refer to "Nūr al-Īdāh" (pg. 125).

[65] Note: There's a difference between "Shart Sihhah" (Condition that validates prayer) and "Shart Wujūb" (Condition that obligates prayer). By Ijmā', prayer is only valid by a Muslim, although there are 2 opinions on whether it's obligatory upon the Kāfir, even if it's not valid for him to pray whilst a Kāfir, and this has an effect on the issue of whether a Kāfir is punished for legal rulings of Islām besides abandoning Tawhīd in the after-life.

[66] Refer to "Nūr al-Īdāh". (pg. 245).

[67] Ibid. (pg. 338).

[68] Refer to "Jam' al-Jawāmi".

[69] Note: I've asked a scholar on why there's a dispute on the sinfulness of one opposing Qat'ee proof without negligence, so I can't comment on that until an answer is found Inshā'Allāh.

What we learn from this is that Allāh addresses the one who has knowledge about a ruling or has a strong likelihood of hearing about it, hence no excuse for negligence, i.e. not making the same effort people make to search for wealth.

Since what we know is that there are 2 types of people;

1) Those who deny "Fasting" out of negligence. They are Kuffār by Ijmā' as aforementioned.

2) Those who are ignorant of "Fasting" without negligence: From what's known according to the principles of Islām is that they aren't held to account (no sin).

However, as I mentioned, I'm waiting to see if there's a second opinion on (2), or whether the difference of opinion Ibn as-Subkī speaks about refers to innovating something against the text, speaking without knowledge.

Thus, whenever there's a rare likelihood of knowing about a ruling, such as not hearing about it, Inshā'Allāh there's no sin upon him, and let's give a few examples;

i) The mother of the believers, 'Ā'ishah (رضي الله عنها) didn't know about the ruling of wiping over the socks, when she was asked about it, as she said, "Ask 'Alī as he travels with the Messenger (صلى الله عليه وسلم) more often", so the Sahābī asked 'Alī Ibn Abī Tālib and received the answer that the Messenger (صلى الله عليه وسلم) wiped over the socks. So, the Sahābī went back to 'Ā'ishah and informed her about the news, so 'Ā'ishah replied that 'Alī knows better, and she affirmed that ruling.

I asked Shaykh Khālid al-Hāyek about the narrations of Ibn 'Abbās & 'Ā'ishah affirming this ruling after not knowing about it, and he clearly stated that it's authentic, thus there's an established Ijmā' on the issue.[70]

Now, do we say 'Ā'ishah was considered sinful because she didn't know about this ruling? Absolutely not, even though many Imāms of the Salaf, along with the Hanafī Madhab view whoever rejects the rulings of wiping over the socks as a person feared to be a Kāfir.

ii) Another example is Nikāh al-Mut'ah. Imām an-Nawawī stated that the Prophet (صلى الله عليه وسلم) prohibited it once, then gave concession for it, then prohibited it

[70] May Allāh guide the Shaykh away from deviation and grant him good as he sent an audio to a brother expressing his sadness over my arrest, alhamdulilāh.

again on the Day of Khaybar with the prohibition of the meat of domestic donkeys as narrated by ʻAlī Ibn Abī Tālib.[71]

Furthermore, Imām ʻAbdur-Rahmān al-Jazīrī (Died 1360AH) stated Mu'tah was originally allowed due to the necessity of war which existed in their time, and even though it has been cited in some books that Ibn ʻAbbās viewed this allowed without guardian/witnesses, that was due to necessity. Unlike the Rāfidah who permit it without necessity.

Also, several Imāms of the Salaf called Mut'ah "the filth of zinā", as once it's declared prohibited, it becomes an illegal relationship which is zinā, even if it was once permitted.

This temporary marriage has been abrogated and declared prohibited until Judgement Day, and Allāh mentioned in the Qur'ān that a proper marriage must contain inheritance and divorce, whereas this doesn't exist in Mut'ah, hence it's not called a "valid marriage".

For that reason, Imām al-Barzanjī ash-Shāfi'ī (Died 1103AH) authored a book exposing all the Kufr and misguidance of the Rāfidah, and he dedicated a chapter to the Rāfidah permitting zinā under the pretext of Mut'ah, as there's no stipulation of a guardian and witnesses, it's permitted in all cases, unlike and contrary to the specific necessity found among the Sahābah, but all that's required among the Rāfidah is consent on how long you want to get married for "with this amount of money".

It has been narrated that Ibn az-Zubayr told Ibn ʻAbbās, "If you do it (i.e. Mut'ah), I'll do Rajm on you",[72] which even shows that he didn't consider Ibn ʻAbbās's misconception as valid, even though Ibn ʻAbbās heard the Prophet (صلى الله عليه وسلم) permit it before he later prohibited it.[73]

Even though the author al-Jazīrī (Died 1360AH) views that the Rajm punishment is lifted for whoever does Mut'ah, due to the misconception of Ibn ʻAbbās allowing it, however the author says under Islāmic governance, he should be disciplined, with whips, as "Hudūd" (penalties) are uplifted/withheld due to doubts.

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[71] Refer to "Sahīh Muslim".

[72] Refer to "Kitāb al-Fiqh ʻala al-Madhāhib al-Arba'ah" (pg. 863).

[73] Note: It's allowed to call it "Nikāh" even if it's Bātil (invalid), just like we can say "This Nikāh (marriage) is invalid".

However, Ibn az-Zubayr and several Imāms of the Salaf don't view the Rajm uplifted from Ibn 'Abbās himself, let alone anyone after him wanting to cling onto Ibn 'Abbās. In fact, it has been narrated that Ibn 'Abbās retracted his position in several different narrations, so it shows the misconception of those after him are weaker, hence there are 2 opinions on whether the "Rajm" punishment is applied in this issue.

For that reason, Imām as-Sarkhasī al-Hanafī (Died 473AH) stated that whoever permits Mut'ah is feared to be a sinner, as Ibn 'Abbās retracted his statement and there's an established Ijmā'.[74]

Also, the Imām of citing Ijmā's, Imām Ibn al-Munthir stated:

"No-one besides the Rawāfidh give Fatwā's on permitting Mut'ah."

Now, the original reason of giving an example of Mut'ah, is that Ibn 'Abbās is not considered sinful prior to the ruling of abrogation reaching him from the Sahābah, but he would be sinful after hearing the Prophet (صلى الله عليه وسلم) prohibited it. It's also far-fetched that Ibn 'Abbās would persist upon something after hearing the Prophet (صلى الله عليه وسلم) forbade it, and it's impossible for a companion of the Prophet to die upon Fisq without repenting from it, according to Ahlus-Sunnah!

As Imām Abū Khattāb al-Hanbalī (Died 503AH) stated the harsher the punishment, the greater the sin, and the reason why zinā and murder are similar in punishment is because both destroy societies.[75]

iii) A final example is that a particular issue may have been unclear during the Sahābah's time, or for "some companions" due to being distant from the Prophet (صلى الله عليه وسلم), but are considered clear matters elsewhere or after their time as Al-Hāfidh Ibn Rajab al-Hanbalī (Died 795AH) stated.

For example, Qudāmah Ibn Mad'ūn and several Companions in Bilād ash-Shām didn't have the issue of alcohol being prohibited from every angle reach them as they made ta'wīl of the verse which said there's no blame on the righteous who used to drink, and they interpreted this to mean "no sin" on a righteous person to drink alcohol, whereas this verse was revealed for the likes of Hamza, the uncle of the Prophet (صلى الله عليه وسلم) who passed away before alcohol was completely made Harām (it was in stages). 'Umar Ibn al-Khattāb went to display the correct

[74] Refer to as-Sarkhasī's "Usūl" (Approx. 1/113).
[75] Refer to "Usūl al-Fiqh" (Vol. 4).

interpretation to Qudāmah, and if he accepts, then there's only lashes for drinking, but if he refuses to accept, all the Sahābah would agree on his apostasy.

Ibn Rajab said if someone was to make the ta'wīl of Qudāmah today, he wouldn't be excused. Also, the Prophet (صلى الله عليه وسلم) prayed Salāt al-Ghā'ib (funeral prayer on the absent) on Najāshī, stating that a righteous person died, and it has been said he didn't pray or fast as these rulings came later and didn't reach him. It doesn't mean you can abandon prayer and fasting whilst able to know about these rulings and assume piety.[76]

Lastly, the Imāms of Najd cite a quote by Ibn Hazm which briefly states that the Sahābah were excused due to certain mistakes, but if someone was to follow their mistakes, he could be a Kāfir. He gave the example of Mistah who was from those that mistakenly slandered 'Ā'ishah's honour, then he sought forgiveness and the verses of "Sūrat an-Nūr" came down to declare 'Ā'ishah innocent from above 7 heavens, wherein if a single person accuses her after these verses were revealed, is a Kāfir by Ijmā'.[77]

One of the contemporary scholars provided additional insight on this matter and he stated the Kufr of accusing the Prophet's wife of zinā isn't just Kufr due to denying Allāh's verses, but it's also Kufr from the aspect of insulting the Prophet and accusing him of being a dayyūth, wal-'Iyāthubillāh, as he remained with her while she was immoral and even a disbeliever according to the Kuffār Rāfidah. For that reason, slandering the honour of any wife from the Prophets is clear apostasy.

However, one may ask, why wasn't the companion "Mistah" declared a Kāfir since the Prophet (صلى الله عليه وسلم) remained with her, and I heard one of the Rawāfidh bring this misconception calling us hypocrites for making Takfīr upon those who slander the mother of the believers, whilst "defending" the Sahābah.

This misconception is very weak, in fact it's weaker than a spider web, as in short;

a) The difference between the noble companion, Mistah, and the Rāfidah mushrikīn, is that Mistah accused 'Ā'ishah and spread false rumours before the verses were revealed, so he didn't reject any verses. Unlike the Rāfidah who claim the verses were revealed regarding Māriyyah al-Qibtiyyah, but what proves their

[76] Note: The Hanafī and Mālikī Madhab state the "absent funeral prayer" was an exception to the Prophet (صلى الله عليه وسلم), whereas the Shāfi'ī and Hanbalī Madhab view that it can be prayed on others besides Najāshī and those whose situation is similar to his, wallāhu a'lam.

[77] Refer to "Ad-Durar as-Saniyyah" (2/86 or 4/86).

ignorance is that the Prophet (صلى الله عليه وسلم) never married Māriyyah, so it can't be revealed in respect to her, as she was his "servant", even after she accepted Islām.

b) Moreover, Mistah never insulted the Prophet (صلى الله عليه وسلم) "explicitly" in regards to Diyātha (protective jealousy), as he knew the Prophet (صلى الله عليه وسلم) only viewed this as a rumour and waited to verify the truth, as was shown from Allāh, that 'Ā'ishah never went near the filth of zinā, wal-'Iyāthubillāh.

Whereas the Rāfidah believe the Prophet (صلى الله عليه وسلم) accepted this rumour and still decided to remain with an immoral, hypocritical woman, may Allāh be exalted from what the oppressors claim! Āmīn! Otherwise, if they say the Prophet (صلى الله عليه وسلم) didn't know, then they are following other than the Prophet (صلى الله عليه وسلم) — "inventing something the Prophet didn't know" or claiming Allāh inspired them besides the Prophet. In fact, this contradicts their "shirk belief" that the Prophet (صلى الله عليه وسلم) knows the unseen. This suffices, wallāhu a'lam.

[9.2 What makes one a Mubtadi' (innovator) and the types of innovators]

Before speaking about the 'Āthir (Excuser), I would like to point my focus towards a final issue regarding Tabdi' (declaring one an innovator), and how we must be careful when reading scholarly words.

We can divide this topic into "Tabdi' Juz'ee" (partially being declared an innovator) & "Tabdi' Mutlaq" (outright innovator).

An individual is considered an "outright innovator", i.e. Mubtadi' Fāsiq, if he opposes any Qat'ee proof, whether he has a valid ta'wīl or not, (if not, he's a Kāfir), or if he opposes an Ijmā' Thannī, whereby his ta'wīl is rendered invalid (i.e. after the Hujjah).

Whereas an individual is considered/labelled a "partial innovator" if he opposes an Ijmā' Thannī with valid misconceptions, or even in matters which are different upon (Thannī).

The 1st category is clear, and we have previously gone over that, although the 2nd category needs some further elaboration Inshā'Allāh.

An example of being labelled a "partial innovator" for opposing an Ijmā' Thannī due to valid ta'wīl are the following;

a) The Ash'arī scholars, such as Ibn Hajr al-Haytamī, as-Suyūtī and al-Barzanjī don't view the Prophet's parents as disbelievers, even though there are clear Thannī proofs showing this, such as the hadīth where the Prophet (صلى الله عليه وسلم) said, "My father and your father are in Hellfire" after a man asked.[78]

Now, al-Barzanjī stated that "father" here refers to "uncle", and this is distorting an apparent meaning for a weaker meaning which is sometimes used in the language. Also, Tāj ad-Dīn as-Subkī mentions this as being 1 of the 3 categories of Ta'wīl (which returns back to the language), and these Ash'arī scholars also did the same thing with Prophet Ibrāhīm's father "Āzar", saying that's his uncle he disbelieved in.

The great Imām, Abū Hayyān al-Andalusī (Died 745AH) stated;

"No-one except the Rawāfidh say that the Prophet's parents are not disbelievers."

Ibn Hajr al-Haytamī became angry when reading this statement and stated Abū Hayyān doesn't know Usūl and Fiqh, and one can only benefit from him in Nahw (Arabic grammar), as he said, why about us Ash'arī's, are we Rawāfidh?!

Likewise, the great Imām, al-Mulla 'Alī al-Qāri' al-Hanafī cited an Ijmā' of the Salaf and Khalaf that the Prophet's parents are disbelievers, and this is a matter the Māturīdī's opposes the Ash'arī's in.

So, this is an example where a person is labelled a "partial innovator", so this means he's still from Ahlus-Sunnah, although he fell into a Bid'ah (innovation), or agreed with a deviant sects on a particular topic. Hence, he's sinful for opposing a confirmed Ijmā', but not a Fāsiq (outright Mubtadi').

Although, this topic is a perfect example to explain the difference between a partial and outright innovator, as the one who believes in this bid'ah (innovation) can be considered both, depending upon his ta'wīl!

Partial Innovator is via the following;

Imām Tāj ad-Dīn as-Subkī says the 1st category of ta'wīl is to oppose the apparent text for a metaphoric meaning, which is a linguistic ta'wīl, and in our situation, the person is a partial innovator for this ta'wīl. In other situations, such as Salāh, 'Uluw etc., linguistic Ta'wīl = Outright innovator.

[78] Refer to "Sahīh Muslim" (203).

Outright Innovator is via the following;

Imām Tāj ad-Dīn as-Subkī says the 2nd category of ta'wīl is to assume a proof which isn't a proof. An example of the is the principle used by the Ashā'irah, that if something from the text opposes my logic, then I'm going to (in fact "must") interpret the text, so I don't compare Allāh with His creation; which is a knowledge based ta'wīl, derived falsely without proof.

Ibrāhīm al-Bājūrī al-Mālikī stated the hadīth in "Sahīh Muslim" where the Prophet (صلى الله عليه وسلم) said his father is in Hellfire is "Āhād", and Āhād proof can't be used in 'Aqīdah. This is an example related to our issue, and Ibn Taymiyyah said anyone who holds this view, then the scholars consider him an outright innovator.

This proves how having "1 major" innovation is generally the cause of falling into dozens of other minor and even other major innovations, as what's founded on falsehood will provide/branch out more falsehood.

Also, what's strange is that as-Suyūtī abandoned authentic hadīth's for fabricated hadīth's to prove his 'Aqīdah, such as authenticating the narration that the Prophet's parents were resurrected again and affirmed Īmān in the Prophet (صلى الله عليه وسلم), and Barzanjī even knows many Muhaddithīn fabricated this, when al-Mulla 'Alī al-Qāri' refuted these Ash'arī's, yet he prefers to cling onto the authentication of some late scholars, like Ibn Hajr, wallāhul-musta'ān.

Tāj ad-Dīn as-Subkī mentions the 3rd category of ta'wīl which he called "'Abath" (playing around), as it has a far-fetched basis from a knowledge-textual point of view, and from a linguistic point of view.[79] For that reason, Imām al-Ghazālī (Died 505AH) said that those who deny all of Allāh's Names and Attributes are Kuffār (i.e. Jahmiyyah), even if they hide under "Ta'wīl", as it's far-fetched.[80] It's like making Ta'wīl that Salāh = du'ā, which linguistically is correct, but there's a clear "Islāmic definition" via clear proof!

The ruling on whoever falls under the 3rd category of Invalid Ta'wīl;

• If he opposes an Ijmā' Thannī = Fāsiq outright innovator.

• If he opposes an Ijmā' Qat'ee = Kāfir outright innovator.

[79] Refer to "Jam' al-Jawāmi'".
[80] Refer to "Faysal al-Tafriqah bayn al-Islām wal-Zandaqah".

b) You have the hadīth of the Prophet (صلى الله عليه وسلم), "Allāh created Ādam in His image",[81] and another narration authenticated by Imām Ahmad and Imām Ishāq Ibn Rāhawayh that the Prophet (صلى الله عليه وسلم) said; "Allāh created Ādam upon the image of ar-Rahmān". Also, other authentic hadīth's state to avoid hitting the face due to this matter of Allāh creating Ādam in His image.

Now, the great Imām of Tawhīd from the Salaf, Muhammad Ibn Khuzaymah made Ta'wīl of this hadīth saying the pronoun of "His" returns back to Ādam, i.e. Allāh created Ādam in Ādam's image, and he weakened the narrations which state Allāh created Ādam in the image of ar-Rahmān.

Imām Ahmad said, "Whoever claims the pronoun ("his") returns back to Ādam is a Jahmī". Does this make the great Imām Ibn Khuzaymah from the Jahmiyyah?! Imām ath-Thahabī says absolutely not, since if we were to abandon him due to this error, we would abandon everyone except whom Allāh has mercy upon.

So, Ibn Khuzaymah fell into a Bid'ah and agreed with the Jahmiyyah on the topic, however he's still from Ahlus-Sunnah, as this Bid'ah opposes "Thannī proof", so he only receives a minor sin.[82]

c) Sometimes, the Salaf may use a weak or differed upon hadīth to prove a point, while at the same time, this point has a stronger agreed upon proof. For example some of the Salaf authenticated the narration of Mujāhid who interpreted the "praiseworthy station" of Prophet Muhammad (صلى الله عليه وسلم) as meaning; "Allāh will make him sit with Him on the Throne", but then they said "Whoever rejects the report of Mujāhid is a Jahmī".

The reason why this is an important example is because an ignorant person may come along and label a "Jahmī" the one who rejects this narration and the Attribute of "sitting" for Allāh. Hence, we say the following;

• Mujāhid is a Tābi'ī (successor — met 1 or more of the Sahābah), and if this narration is authentic as adopted by Imām ad-Dāraqutnī and Ibn al-Qayyim, then that's his Ijtihād (personal opinion), it's not considered a Hujjah (proof).

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[81] Refer to "Sahīh Al-Bukhārī" (6227) & "Sahīh Muslim" (2841).

[82] Note: There's no difference between affirming the attribute of "an image" to Allāh and affirming a "hand" and "shin" for Allāh. The only similarity between Allāh's image and Ādam's image is the "name" of Attributes Allāh has, such as a face, eyes, fingers, 2 hands, speech, hearing and so forth. Just like the fruits of Jannah (apples, grapes, milk, honey), share no similarity with the fruits of this world except the "name", so ponder over this at all times and don't be affected by the Jahmiyyah who deny Allāh's Attributes.

• Affirming the attribute of "sitting on the Throne" is differed upon among Ahlus-Sunnah, so it shows that the Salaf did not intend whoever rejects this "particular narration", but rather whoever rejects the concept of Allāh being above the Throne, i.e. Allāh's ascension, without distorting its literal and apparent meaning.

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• Finally, several Imāms viewed the chain of transmission as weak, in fact the text itself as "munkar" (rejected), as the Prophet (صلى الله عليه وسلم) himself described what the "praiseworthy station" (Māqām Mahmūd) is, that it's the Shafā'ah (intercession of the Messenger).[83]

d) Some scholars of Ahlus-Sunnah may even fall into error of considering others as "partial innovators" instead of "complete innovators", such as Imām as-Saffārīnī al-Hanbalī (Died 1188AH) and Imām 'Abdullāh Ibn Dahyān al-Kuwaytī al-Hanbalī (Died 1349AH — same year as Ibn Sahmān). For example, Imām as-Saffārīnī labelled those who misinterpret Allāh being above the Throne, or Allāh's decension to the lowest heaven (1st heaven), as "Mubtadi'ah" (innovators), although he only considers them "partial innovators" due to viewing them rejecting "Thannī proof", and that's the reason Imām as-Saffārīnī considers the Ashā'irah and Māturīdiyyah from Ahlus-Sunnah, in fact from the "saved sect with Ahlus-Sunnah"![84]

As they divided Ahlus-Sunnah into 3 types; Atharī's, Ash'arī's and Māturīdī's. Ibn Dahyān said that's because all these groups exalt the Prophetic Sunnah, but some of them simply misinterpret a few texts.

On the other hand, Imām Abū Butayn an-Najdī said this is an "atrocious error" by as-Saffārīnī.[85] In fact, the statement of Saffārīnī is an innovation (partial innovation), as it opposes an Ijmā' Thannī that the innovations found among the deviants actually oppose some Qat'ee proof and can reach Kufr. So as-Saffārīnī is feared to be "sinful" for his claim, although he's still an Imām of Ahlus-Sunnah, as he never adopted these innovations.

[83] Related in "Sahīh al-Bukhārī".

[84] Refer to "Lawāmi' al-Anwār" (1/25-75).

[85] Refer to "Ad-Durar as-Saniyyah" (Vol. 1).

In fact, Ibn Taymiyyah said it's a bid'ah (innovation) to call yourself Ash'arī if you intend the position that al-Ash'arī repented from, since it involves deception and people may think contemporary Ash'arī's are correct, so imagine Saffārīnī including them in the "saved sect".

e) Finally, "partial innovation" may be declared in differed upon matters. For example, spending the middle night of the month of Sha'bān in a gathering in the mosque has said to be an innovation according to most scholars, but some didn't consider it an innovation and that 1 year of sins are forgiven.

Likewise, with the issue of Mawlid (celebrating the Prophet's birthday), the vast majority of scholars considered this an innovation, whereas a minority permitted it using Qiyās (analogy of the Prophet fasting on Monday). You also have the issue of sneezing and adding "prayers" upon the Prophet (صلى الله عليه وسلم), this has been said to be disliked for some and an innovation for others. Also the issue on making up prayers/fasts for the deceased, some said the guardian must do it as there's a hadīth in "Sahīh al-Bukhārī", whereas the Hanafī Madhab says it's harām and this hadīth is abrogated by another hadīth found in "Sunan an-Nasā'ī" that prayers and fasts can't be performed on behalf of another. Likewise, the Hanbalī and Shāfi'ī Madhab view it permissible to stage the intention for prayer, but Hanafī's view it an innovation.[86]

Also, when several scholars say, "Ashā'irah are Ahlus-Sunnah in a land where there's no Ahlus-Sunnah", it simply means these deviants are closest to the Sunnah in refuting other deviants, even if the Ash'arī's are considered deviant as well. Likewise, when we call people today "Sunnī or Shī'a", it simply is a distinguishing factor between all Muslim sects and the Rāfidah, even though most laymen in our time are upon a misguided path, not from Ahlus-Sunnah, may Allāh guide them, Āmīn.

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[86] Comment: This is where Ibn Taymiyyah said the Mujtahid who's mistaken gets rewarded "once" for his Ijtihād and sincere intentions (of showing love to the Prophet), just like the Mujtahid gets 1 reward for viewing something Halāl when it's Harām, as this is a valid differed upon issue. However, if someone doesn't have any misconception, he is sinful for doing this innovation, even if it's differed upon (if he agrees it's a Bid'ah).

The statement of Ibn Taymiyyah can only be applied here, as by Ijmā', the Mujtahid who opposes a Qat'ee matter is sinful as Ibn as-Subkī said, and as Ibn Abī Zayd al-Qayrawānī al-Mālikī said; The position of Ahlus-Sunnah is that one is not excused for falling into a bid'ah. What's intended here is an agreed upon Bid'ah, and through this, any doubt is removed, and Allāh knows best.

[9.3 What is the ruling on the ʻĀthir?]

As for the final question of this point: What's the ruling on the ʻĀthir? Then I say the following;

The ʻĀthir is or can be divided into 7 types;

1) The correct ʻĀthir who excuses the non-mukallaf (one not held to account, such as one living in a remote area). If the ʻĀthir excuses someone due to the accusation being unconfirmed, or due to valid Ijtihād in a differed upon matter, then he's rewarded Inshā'Allāh.

2) The ʻĀthir who excuses the non-mukallaf like (1) but doesn't view the intellect as a proof against Shirk whereby he's held accountable for Shirk (i.e. directing worship to other than Allāh or disbelief in Lordship).

The ruling on this ʻĀthir is that he's opposing an Ijmā' Qat'ee, and there are 2 opinions on whether he has valid doubts or not. Thus, some scholars judge this ʻĀthir as a Kāfir, whereas most scholars view him a misguided Fāsiq and he's only made Takfīr upon after the Hujjah.[87]

3) The ʻĀthir who doesn't excuse the mushrik but excuses the one who has "Tamakun" (ability to learn) in clear matters by considering them "not held to account".

This ʻĀthir has opposed the Ijmā' cited by Ibn as-Subkī, thus he's feared to be considered a "Misguided Fāsiq", and this is the best deviant category of all ʻĀthir's.

4) The ʻĀthir who is like (3) but adds matters of shirk as not being held to account, hence there's no sin upon the one who commits shirk among Muslims until he's notified!

Imām Ibn Sahmān's (Died 1349AH) quote applies here, that the foolish generalised the excuse of ignorance and applied it in all issues, then the Imām stated such deviants have deviated from the straight path. Abū Butayn also calls them misguided. Their words can also be applied on category (2), except that the

[87] Note: This ʻĀthir only excuses the mushrik in remote areas as he doesn't differentiate between major shirk and clear matters.

misconceptions found in (4) are much weaker. Yet, despite that, there are still 2 opinions whether this ‘Āthir is a Kāfir before Hujjah.

5) Even worse than (4) is the ‘Āthir who stipulates “understanding the Hujjah” in matters of Kufr, as at least according to the previous category, once the Hujjah/text is shown, no excuse is given.

However, for (5), showing it isn’t enough until he gets convinced, and this opposes extremely clear verses where there’s no excuse for not understanding the Hujjah or turning away from the Hujjah. For that reason, the majority of scholars would view this ‘Āthir as a Kāfir before Hujjah and Allāh knows best.

6) This category is even worse than (5). This is the ‘Āthir who restricts the verse in the Qur’ān as only addressing the obligation of making Takfīr for the scholars, whilst negating the obligation from the masses.

This innovation is worse than the deviants who restricted Takfīr to Qat’ee proof, as the scholars even differed whether those deviants are Kuffār before Hujjah, so imagine the case with claiming even Qat’ee proof is Harām for the laymen to apply, and that’s why the overwhelming majority of scholars view this ‘Āthir as a Kāfir.[88]

7) The worst ‘Āthir of them all is the one who says it’s outright Harām to make Takfīr on those who utter the Shahādah, even if they commit shirk.

Imām ‘Uthmān Ibn Fūdī al-Mālikī (Died 1232AH) mentioned that this was a satanic sect found in West Africa during his time, and that they’re Kuffār.

Imām Abū Butayn an-Najdī al-Hanbalī stated such a person is a Kāfir, in fact whoever doubts his Kufr is also a Kāfir. That’s because this ‘Āthir has denied the aspect of Takfīr from the Dīn and it doesn’t apply upon whoever claims Islām. If simply claiming Islām was an excuse, every mushrik who claims to follow Haqq = Excused.

Just to add a final comment and correction, as for those who says the 3rd nullifier is only applied when someone doubts the Kufr of Kuffār Aslīyyīn is pure

[88] Note: As for the ‘Āthir who claims a false excuse, it’s not restricted to the “excuse of ignorance”, it could be due to opposing an agreed upon principle in Tafsīr, that the verses of the Qur’ān can be applied on anyone who does a similar action to the mushrikīn, no difference between them both. In fact, refusing to apply these verses implies invalidating the Qur’ān, and that’s why Imām ad-Dārīmī even compared the Kufr of the Jahmiyyah to the heretics that claimed ‘Alī was God, and this is predominantly found from the speech of the Salaf.

ignorance, as I'm sure it's clear to you after all this elaboration that the 3rd nullifier returns back to denying the text, thus any denial of the Qat'ee text = Kufr.

It's not permissible to say the 'Athīr is from Ahlus-Sunnah, but after Hujjah is established, he is a Kāfir. Since, if he opposes Qat'ee proof, he's misguided before Hujjah, unless one views he only opposes Thannī proof, and Shaykh 'Alī al-Khudayr corrected this in prison!

10) Matters pertaining to learning the topic of Asmā' wal-Ahkām

This is the final point on the topic of Asmā' & Ahkām, and before providing a clear answer on this important question, we need to define the term "Asmā' & Ahkām" and "Takfīr".

What we need to understand is that Asmā' & Ahkām is much broader than the term Takfīr, as the former means labels and rulings, and this includes the topic of Īmān, and differed upon issues like whether the Kuffār are punished in the Hereafter for abandoning Islāmic obligations on top of Tawhīd.

Whereas, Takfīr is more specific and falls under the topic of Asmā' & Ahkām, as it means "to attribute Kufr it another".

As for the ruling on learning this topic and whether we can blind follow in it, then these 2 questions are tied together as we'll clarify Bi'ithnillāh.

[10.1 Categories of the ruling on learning Asmā' & Ahkām]

We can divide the ruling on learning Asmā' & Ahkām and Takfīr into 4 categories;

1) This topic is just like any other topic in Islām, which are either divided into Fardh 'Ayn (individual obligation) and Fardh Kifāyah (communal obligation). It's not permissible to say all aspects of Takfīr is Fardh 'Ayn, nor can we say all aspects of Takfīr is Fardh Kifāyah, so how do we draw the borderline? Refer below.

2) Al-Qādhī 'Iyādh al-Mālikī, Al-Qarāfī al-Mālikī, and many other Imāms cited a consensus that it's Harām to make Taqlīd in Usūl ad-Dīn (or Qat'ee rulings).

That's because Ibn as-Subkī ash-Shāfi'ī cited a consensus that opposing a Qat'ee out of Ijtihād makes you a sinful (Fāsiq or Kāfir), let one the case of someone who doesn't make Ijtihād, and because the blind follower in these matters has strong likelihood of falling into a sin, deviation and even disbelief. Therefore, if it's harām to make Taqlīd in Qat'ee rulings, it proves that it's Fardh 'Ayn to learn them and the next point below will elaborate why.

3) The scholars of Usūl al-Fiqh agreed upon a rule; "Whatever doesn't fulfill a wājib except by it, then it becomes a wājib" and likewise vice versa; "Whatever doesn't fulfill avoiding a harām except by it, then it becomes harām (to do it)."

In other words, if you're not able to avoid a sin due to the presence of something, it becomes necessary to remove that obstacle, and in our case, that's Taqlīd. This shows Taqlīd is harām in confirmed Ijmā' Thannī/Qat'ee issues!

4) Finally, as for differed upon issues related to Takfīr, then that's Fardh Kifāyah, i.e. It's only obligatory upon the scholars to determine those issues which revolve between "major sin" and "disbelief".

As for the layman, it's still recommended upon him to learn those complicated matters of Takfīr, which is what we have done, as many scholars have ignored this aspect of the Dīn, and as for those Imāms of Tawhīd who uplift the obligation from the Ummah have a huge status, just like Bilāl (رضي الله عنه) uplifted the sin of all companions of the Prophet (صلى الله عليه وسلم) by giving the Athān, as if no-one else did this Fardh Kifāyah, everyone would be sinful.

Furthermore, Fardh Kifāyah matters may even become Fardh 'Ayn, such as learning the rulings of Hajj, it's recommended to learn to teach others, as long as the communal obligation is uplifted with scholars knowing about its rulings. It also becomes Fardh 'Ayn to learn its ruling when one intends to go to Hajj, in fact according to most scholars, once an individual has the ability to make Hajj, it becomes immediately obligatory to learn its rulings and perform it, otherwise one is sinful. Similarly, to Zakāt, and Allāh knows best.

[10.2 The issue of not learning Takfīr]

An example of falling into sin for not learning Takfīr is that you could oppose the Qur'ān as Allāh warned those who consider Muslims like mushriks and vice versa, as He said;

"Do we make the believers like the criminals"[89] and *"Do you wish to guide who Allāh has misguided?!"*[90]

On top of that, due to considering the mushrik as a Muslim, you could ally with him against Muslims, and this is a serious deviation in one's Walā' and Barā'. Likewise, you would permit Muslim daughters to marry mushrikīn!

On the other hand, the Prophet (صلى الله عليه وسلم) gave the famous warning;

[89] Sūrah al-Qalam, Āyāh 35.
[90] Sūrah an-Nisā', Āyāh 88.

"Whoever says to his brother O Kāfir, then surely one of them is such".[91]

This refers to Takfīr without knowledge and this occurs due to not learning its ruling! For example, one may adopt the opinion that wearing the cross is major Kufr, and if he sees a Fatwā permitting wearing the cross due to necessity, he might make Takfīr upon the Hanbalī Madhab due to his ignorance as it occurred in this prison, wallāhul-musta'ān!

That's because he didn't bother to learn that there are 2 opinions on the topic, those who view it a major sin will permit it for necessity, but those who view it as Kufr would only permit it for Ikrāh.

Although, whoever views it Kufr would never make Takfīr on the Imāms who considered it a major sin, which is why when Imām an-Nawawī spoke about the issue of wearing the Zunnār (a belt Christians wear to show they're different), he said it's Kufr if one wears it for business purposes (gaining wealth), but not for someone who does so to free a prisoner.

Note: It's important to differentiate between a "personal maslaha" (such as gaining wealth of popularity) and a "general maslaha" which reaches a level of "necessity".

Personal maslaha = Kāfir or Fāsiq depending on the opinion one holds.

General maslaha = No Takfīr on others for viewing it allowed, in fact they're rewarded!

Thus, to recap the ruling on the one who blind follows in the Qat'ee rulings of Takfīr (even if he agrees with truth) or abandons learning the clear rulings of Takfīr, he's sinful by consensus, in fact if he doesn't make Tawbah from this sin, he's a Fāsiq. This refers to the one who believers it's wājib to make Takfīr, as for whoever restricts the obligation to the scholars, he's a Kāfir according to the overwhelming majority of scholars!

[10.3 Is the Īmān of the blind follower considered valid?]

The scholars differed on the Īmān of someone who blind follows (makes Taqlīd) in the foundations of Tawhīd, as some scholars of Ahlus-Sunnah and many Imāms of deviant sects stated one's Īmān isn't accepted if he does Taqlīd in Tawhīd, since the condition of the Shahādah is to have full certainty, and Taqlīd doesn't give you full certainty.

[91] Refer to "Sahīh Al-Bukhārī" (6103).

Although, the vast majority of Ahlus-Sunnah stated the Īmān of the Muqallid (blind follower) is valid, since the objective is to attain Tawhīd, whether out of blind following or using evidence to prove Tawhīd.

Yes, he's sinful and his Īmān is reduced due to not learning the Qat'ee matters of the Dīn via proof, and fell into Harām by making Taqlīd (which is risky), and feared to be a Fāsiq is he doesn't repent, although he's still a Muslim as long as he doesn't negate his Tawhīd.

Ponder over this! The misguided deviants claim "Taqlīd" is an excuse for negating Tawhīd, while the Imāms even differed over the Īmān of the blind follower in Tawhīd who doesn't commit shirk![92]

[10.4 Is the topic of Asmā' & Ahkām and Takfīr a matter of 'Aqīdah or Fiqh?]

The topic of Asmā' & Ahkām involves both 'Aqīdah and Fiqh, and even the issue of making Takfīr upon mushrikīn involves both and let me explain why.

The 'Āthir fell into misguidance in 'Aqīdah when he doesn't consider the intellect as a sufficient proof in prohibiting shirk. Likewise, the reason many Ash'arīs like al-Juwaynī viewed Takfīr a 'Aqīdah issue is because they only view it "obligatory" to make Takfīr on Qat'ee rulings, not Thannī.

Also, the innovation of not using Āhād/Thannī proof is one of 'Aqīdah. Unlike other Ash'arī's who viewed both Qat'ee and Thannī must be used, and that's why they considered it a topic of a Fiqh.[93]

As for Ahlus-Sunnah, we say Takfīr (ascribing someone to Kufr) is an action and falls under Fiqh, but as for believing it's obligatory to make this Takfīr, then that's a matter of 'Aqīdah which returns back to believing one must affirm Allāh's verses/Hukm. As Shaykh Hassān Husayn stated, every Fiqh topic contains this aspect of 'Aqīdah in it.

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[92] Important Remark: Some of the Ghulāt (extremists in Takfīr) tried to hold onto the view of negating Īmān from the blind follower in Tawhīd, to justify their mass Takfīr upon the Muslim Ummah. However what they don't understand is that the Kufr of the blind follower in Tawhīd only refers to the after-life, whereas in the worldly life, they are apparently judged with Islām by Ijmā', as whoever doesn't display any Kufr is judged as a Muslim in this world!

[93] Note: Believing something is Kufr = Fiqh stemmed from 'Aqīdah, as it means I'm ascribing every Mukallaf to Kufr (Takfīr) — As for 'Aqīdah, it's believing it's wājib. Always remember, there's no difference between Kufr/Takfīr.

For example, you can do wudū' (Fiqh) believing it's wājib for Salāh ('Aqīdah), or you can do wudū' believing it's recommended to renew it, or you can even do it believing it's makrūh/harām, such as used water/impure water. Likewise, making Takfīr on Abū Lahāb = Fiqh, however the 'Aqīdah aspect is to believe it's obligatory to affirm Allāh's Hukm, since if you made Takfīr believing it's "recommended", you can't be Muslim!!!

[10.5 Points on Taqlīd in matters of Thannī and Qat'ee and acting without 'Ilm]

— 'Uthmān Ibn Fūdī cited 3 opinions on doing a wājib without 'Ilm;[94]

a) 1 reward for the act, 0 rewards/sins for not learning it/knowing it's wājib. (Rewarded once for acting without 'Ilm).

b) -1 reward/+1 sin for the act without 'Ilm, -0 reward/+0 sin for not learning/knowing it's wājib. (Sinful once).

c) 0 reward for act, -0 reward/+0 sin for not learning/knowing it's wājib. (No reward/sin).[95]

— Ibn Juzayy al-Mālikī cited 2 opinions on doing a differed upon Harām without 'Ilm;[96]

a) 0 rewards/sins for the act, 0 rewards/sins for not learning both opinions. (No sin).

b) -1 reward/+1 sin for act, 0 rewards/sins for not learning both opinions. (Sinful once).

• This is concerning unclear Thannī matters, because not knowing the Hukm for agreed upon Thannī/Qat'ee matters is a sin by Ijmā' and can even be Kufr.

• Ibn Qudāmah, Ibn an-Najjār, and al-Buhūtī all cited an Ijmā' that communal 'Ilm becomes individual 'Ilm when one decided to act upon it. For example, 'Umar Ibn al-Khattāb ordered people to learn the Fiqh of transactions, before buying/selling in a marketplace.

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[94] Refer to "al-Hāwī Li-Fatāwā 'Uthmān Ibn Fūdī".
[95] No sin for not learning it's wājib or harām as they are differed upon matters, not Fardh 'Ayn.
[96] Refer to "Usūl al-Fiqh".

— As for abandoning a wājib/doing a Harām without 'Ilm, there is only 1 opinion;

a) 1 sin for abandoning a wājib, 1 sin for not learning the Wājib. (Sinful twice by Ijmā').

Note; Not learning the agreed upon wājib is Kufr if it's Qat'ee, and Fisq if Thannī (without Ta'wīl).

• This returns back to a rule; "Whatever doesn't fulfill a wājib except by it, then it's wājib". The wājib is to avoid falling into sin, Taqlīd, opposing confirmed Ijmā', there's no sin in unconfirmed Ijmā'.

— Despite the obligation on the people of the Haqq warning against Bid'ah (Fardh Kifāyah), it's recommended for someone to learn "ALL" rulings, especially the ones that have a lot of dispute/confusions.

— This was regarding "acting without 'Ilm", now let's speak about Taqlīd;

a) If it's an Ijmā' (confirmed), Taqlīd isn't permissible, since it's necessary to learn the Hukm to avoid sin.

b) If it's a differed upon wājib, rewarded by Ijmā'. (No 3 opinions)

c) If it's differed upon Harām (or Halāl), no sin by Ijmā'. (No 2 opinions)

d) If it's Qat'ee, Qarāfī & Qādhī 'Iyādh cited an Ijmā' is not permissible. (Even if he agrees with the Haqq on Taqlīd)

• Even if he agrees with the Haqq, if he doesn't make Tawbah from Taqlīd, he's feared to be a Fāsiq.

[10.6 How do we differentiate between confirmed/unconfirmed Ijmā'?]

Make Taqlīd on a Mujtahid you trust, and it's an obligation to forbid munkar (which is the role of the people of Haqq in the land), Inshā'Allāh this suffices.

Just a final comment on not knowing how to distinguish a confirmed Ijmā' from an unconfirmed Ijmā'. It's beneficial to know that if a matter is unclear, Inshā'Allāh you have a strong possibility of avoiding sin, but if you're able to learn about it and can find out if it opposes Ijmā', such as the issue of Mut'ah, then there's no excuse of being free from sin here.

Moreover, when you blind follow a scholar you trust, you should never close your eyes to other Imāms, as Imām Abū Ayyūb as-Sikhtiyānī stated, "If you want to know the mistakes of your Shaykh, then sit with someone else".

That way, you have stronger chances of avoiding falling into innovation, especially if you also return to the statements of your Shaykh back to classical scholars. It's also a duty upon the people of truth to refute innovations publicly, so this shows how Islām has provided a solution from every angle to help protect you from falling into sin. Although, whoever is negligent will definitely fall into sin.

Most consensus in Thannī matters are differed upon, hence most blind followers aren't sinful, unless proven they opposes the text or follow desires, hence mistaken at times, misguided at other times.

[10.7 A piece of advice regarding following a school of thought]

There are 2 main opinions on whether following a Madhab is obligatory or not.

Imām an-Nawawī, al-Khattābī, Ibn as-Salāh and as-Suyūtī view that it's wājib to follow a Madhab, otherwise there's strong risks of someone following his desires by Fatwā shopping.

Although, Imām Ibn al-Qayyim stated it's definitely not obligatory to follow a school of thought, and that the layman is simply obliged to ask the people of knowledge he trusts, from any Madhab.

However, the son of Imām Muhammad Ibn 'Abdil-Wahhāb provided further insight, i.e. 'Abdullāh who mentioned that when wicked scholars become prevalent, and it becomes difficult to trust the people of knowledge of your time, it becomes wājib to follow a Madhab and cling onto it.[97]

As the Madhabs provide reassurance and safety, so even if it's not obligatory to follow a Madhab in and of itself, observing the amount of distorters in our time renders clinging onto a Madhab as highly recommended, if not obligatory upon the masses who have a very basic understanding of the Dīn.

Whatever the case is, I highly suggest every Muslim to have a classical manual of Hanafī, Mālikī, Shāfi'ī or Hanbalī law to keep as a reference, and there's many beneficial books which summarise the official position of every Madhab.

[97] Refer to "Majmū' ar-Rasā'il wal-Masā'il an-Najdiyyah" (Vol. 1).

An observation that has been made, is that the "Modern day Salafī methodology" has helped focus on innovations and warn against fanatic blind following found among followers of Madhabs, although a big flaw is that many adherents to this Salafī methodology have exceeded the fanaticism that's found among some followers of Madhabs. This even resulted in having ignorant people assume the right of giving their own Fatwā's under the pretext of the "correct opinion"

To a give a simple example, the issue of uttering the intention before praying is considered permissible according to the Shāfi'ī and Hanbalī Madhab, whereas according to the Hanafī Madhab, it's an innovation, and most Salafī's in Fiqh (and I used to be from them) would condemn anyone who utters the intention subhān'Allāh.

True knowledge isn't to simply blind follow the opinions of Ibn Taymiyyah, but we should let everyone be free to follow the Madhab they like, as these differed upon matters return back to being rewarded once or twice.

Furthermore, if you pick up a book of Fiqh, you wouldn't fall into the deviations the 'Āthir fell into, as even the beginner Fiqh texts state there's no excuse of ignorance and that a laymen may accuse another of Kufr etc...

For example, Imām al-Māwardī ash-Shāfi'ī (Died 450AH) stated the Judge should ask the laymen and scholars about the reason for their Takfīr,[98] and Qarāfī said because many masses may believe a major sin is Kufr. This also occurs when a husband accuses his wife of Kufr as cited in a Mālikī book.[99]

[98] Refer to "Al-Hawī al-Kabīr".

[99] Refer to "An-Nawāzil as-Sugrah".

Conclusion:

These are the main issues one must know on the topic of Asmā' & Ahkām, may Allāh accept this effort, Āmīn. We must also be honest with ourselves, and Inshā'Allāh avoid following doubtful matters, as that's a sin.

A final example of not being honest are those who claim, "You're not qualified to make Takfīr, only the Mujtahid is".

Firstly, many matters of Takfīr are agreed upon obligations, not Ijtihād matters. Secondly, even the unclear matters of Takfīr which return back to Ijtihād can be delved into by the layman, as according to the vast majority of scholars, "partial Ijtihād" is allowed if one knows the conditions of Qiyās.

This ends the words of Abū Bakr at-Tarābulsī. May Allāh accept his tremendous efforts in conveying the truth and raise him to Firdaws. ***Allāhumma Āmīn.***

INDEX OF SECTS

ASH'ARĪ: A sect founded in the third century of Hijri. From their beliefs is that Īmān is only belief (i.e. actions are not part of Īmān); that Īmān does not increase or decrease, that Tawhīd is restricted to affirming the perfect nature of Allāh (i.e. Rubūbiyyah); and that most of the Attributes of Allāh are metaphorical. *(Pages 12, 13, 14, 25, 26, 28, 29, 31, 32, 43, 60, 61, 63, 64, 71).*

BĀTINIYYAH: A sect of the Shī'a, the followers of Ismā'īl Ibn Ja'far. There were of the belief that the legal texts were merely superficial expressions carrying inner meanings that oppose what is outwardly understood of them, example lie within their explanations of Paradise, Hell and the Last Day. *(Page 46).*

FALĀSIFAH: Those philosophers who promoted the 'wisdom' of the Greeks, the Greek philosophers who did not believe in the Resurrection as it is mentioned in the Book and Sunnah, nor did they affirm the Names and Attributes of Allāh. From amongst their leaders was Aristotle, the student of Plato and from amongst their latter proponents was al-Fārābī and Ibn Sinā. *(Pages 25 and 42).*

JABRIYYAH: Followers of the school of Jahm Ibn Safwān in his belief that all actions are decreed by Allāh and man has no control over them at all, instead he is forced to do what he does. *(Pages 17, 25, 27, 28, 30).*

JAHMIYYAH: Followers of Jahm Ibn Safwān in his denial of the Names and Attributes of Allāh. The student of al-Ja'd Ibn Dirham, both of whom were executed for their apostasy in the time of the lesser Tābi'īn. Among their beliefs is that they deny the Attributes of Allāh and declare that the Qur'ān is created. *(Pages 12, 13, 22, 23, 24, 25, 27, 30, 33, 60, 61, 65).*

KHAWĀRIJ: Those who rebelled against 'Alī (رضي الله عنه), declaring him to be a disbeliever and those who rebel against and fight the Muslim rulers. They hold that Muslims who have committed major sins are disbelievers and are doomed to Hellfire forever. *(Pages 15, 27, 40, 50).*

MĀTURĪDĪ'S: A sect who claims amongst other things, that whenever the Attributes of Allāh are mentioned, it is obligatory to explain them with metaphorical explanations instead of literal — that the Fingers and Hands of Allāh are not taken upon their apparent meanings because these Attributes (as they claim) cannot be affirmed for Allāh. *(Pages 25, 27, 59, 62).*

MURJI'AH: They uphold the belief of Irjā' (to hold that sins, major or minor, do not affect Īmān and that Īmān neither increases nor decreases). The first to call to this belief was Ghīlān Ibn Abī Ghīlān, the Qadārī. He was executed in 105AH. They claim that actions are not part of Īmān, that people do not vary in Īmān, that Īmān does not increase and decrease and that one should declare himself a Believer without saying "If Allāh wills". The Murji'ah are divide into 3 groups, as Shaykh al-Islām Ibn Taymiyyah mentioned:

i) Those who claim that Īmān is a condition of the heart only.
ii) Those who claim that Īmān is merely verbal affirmation (i.e. the Karrāmiyyah).
iii) Those who claim that Īmān is only affirmation with the heart and tongue, but that action is necessary in addition to it. *(Pages 13, 27, 40).*

MU'TAZILAH: Followers of Wāsil Ibn 'Atā' al-Ghazzāl who abandoned the circles of Hasan al-Basrī. They negated the Attributes of Allāh for fear of likening Him to His creation yet affirmed His Names. From amongst their beliefs was that a person who committed a major sin was neither a believer nor a disbeliever, rather of a station between the two stations, but he would be consigned to Hellfire forever. They were from the rank and file of the Mutakallimūn (Speculation Theologians, adherents to kalam) and gave precedence to their intellects over divine text. *(Pages 14, 24, 27, 42).*

QADARIYYAH: Those who held the belief that man has complete free will in all that he does and that Allāh has no control over him. *(Page 27).*

RĀFIDĪ'S: Also well-known as the Shī'a, who call themselves the Ithnā Ash'ariyyah (The Twelvers) of Ja'farīs. This sect was founded by 'Abdullāh Ibn Saba', a Jew, who appeared in the time of the Khilāfah of 'Uthmān. He claims love for 'Alī and Ahl al-Bayt (the family of the Prophet صلى الله عليه وسلم). They curse the Companions and declare them disbelievers, in particular Abū Bakr, 'Umar, 'Uthmān and the wives of the Prophet (صلى الله عليه وسلم). They also believe the Qur'ān to be incomplete. *(Pages 16, 27, 44, 46, 55, 57, 58, 63).*

ZAYDIYYAH: Another sect among the Shī'a, known as 'Fivers', who follow Zayd Ibn 'Alī, the grandson of Husayn (رضي الله عنه). They say that any of Ahl al-Bayt can be an Imām. They have the Mu'tazilite rational in their beliefs. *(Pages 13, 27).*

GLOSSARY OF ARABIC TERMS

Āhād hadīth: A hadīth which does not meet the conditions of Mutawātir and is narrated via only one or two Isnād's or narrations; not a large number of narrator's present.

Ahlul-Fatrah: The people who lived before the arrival of a Messenger/Text.

'Aqīdah: Creed; belief; the foundation of the religion. It refers to those matters (of knowledge from the Qur'ān and Sunnah) which are believed in, with certainty and conviction in the heart, they are not tainted with any doubt or uncertainty.

'Aql: Intellect.

'Āsī: Disobedient Sinner.

Asl: The default ruling of something.

Asmā': In this context, refers to the labels given to individuals in Islām (Kāfir, Fāsiq, Mubtadi' etc…).

'Āthir: Excuser.

Bātil: Falsehood; Invalid/Nullified act according to the Sharī'ah.

Bid'ah: Innovation; that which is newly introduced into the religion of Allāh.

Dār al-Harb: Literally means "Land of war"; referring to those countries which do not have a treaty of nonaggression or peace with Muslims; territory of the disbelievers.

Dhimmī: A protected person; a non-Muslim (Christian or Jew) living under the protection of an Islāmic ruled state. He must pay Jizyā.

Faqīh (pl. Fuqahā'): A person who is an expert in Islāmic Fiqh.

Fardh 'Ayn: Individual obligation; examples include believing in Allāh and all the pillars of Islām, the prayer, fasting, charity, Hajj, acquiring knowledge of the necessities of the Dīn.

Fardh Kifāyah: Communal obligation; examples include matters related to the Janāzah, giving Athān, 'Īd prayer, learning details of Fiqh matters.

Fāsiq: Someone who transgresses; Major sinner; A Muslim who commits actions which are classified as major sins under Islāmic law, or who habitually engages in minor sins.

Fatwā: An Islāmic ruling given by a qualified authority.

Fitrah: The natural disposition/state of the human; the state of purity that all humans are born with.

Halāl: Something that is permissible/permitted by the Sharī'ah.

Haqīqatan: Truth, reality, state of things as they are.

Harām: Forbidden by the Sharī'ah; Unlawful; That which the legally responsible person is rewarded for leaving and sinful for doing.

Hudūd: Limits, boundaries; Limits ordained by Allāh, prescribed punishments.

Hukm (pl. Ahkām): Refers to the rulings/judgement of Allāh, or the legal rulings derived from Fiqh.

Hukm Takleefī: When the ruling of Allāh comes in the form of a demand or option; such as carrying out an action which can be Fardh, Wājib, Harām etc...; The ruling must be applied on individuals, and it becomes an obligation to apply the judgement.

Hukm Wad'ī: Refers to the ruling of Allāh upon specific individuals (and is used as textual evidence).

'Ibādah: Worship; Obedience to Allāh by carrying out what He has commanded on the tongues of His Messengers. Everything that Allāh loves and is pleased with from among the sayings and inward and outward actions.

Ijmā': Consensus of the Scholars.

Ijtihād: Striving to attain the Islāmic ruling on an issue, after certain preconditions have been met by the person.

Ikhlās: Sincerity; to remove oneself of worshipping anyone besides Allāh such that everything one does is performed only to draw closer to Him and for His pleasure. It is to purify one's actions from anything but the Creator.

Ikrāh: Coercion; force.

Imām: Religious leader; one who leads the congregational prayer, and/or leads a community.

Īmān: The firm belief, complete acknowledgement and acceptance of all that Allāh and His Messenger have commanded to have faith in, submitting to it both inwardly and outwardly. It is the acceptance and belief of the heart, that includes the actions of the heart and body, therefore it encompasses the establishment of the whole religion. This is why the Imāms of the Salaf used to say, 'Faith is the statement of the heart and tongue, action of the heart, tongue and limbs.' Hence it comprises statement, action and belief, it increases through obedience and decreases through disobedience. It includes the beliefs of faith, its morals and manners, and the actions demanded by it.

Islām or Kufr Hukmī: A metaphorical Islām or Kufr.

Isnād: Hadīth terminology; Chain of transmission.

Istihlāl: Declaring what's forbidden as lawful.

Istinsār: Seeking aid.

Jabrī: A person from a misguided sect who believe the creation don't have free-will & are forced by Allāh to do everything.

Jahl: Ignorance.

Jizyā: A tax paid by non-Muslims living in an Islāmic ruled state. This tax guarantees them security and protection.

Kāfir: A rejector of faith; disbeliever.

Kāfir Aslī: The original disbeliever; Christians and Jews.

Kufr Sareeh: Clear Kufr*;* A clear matter which isn't open to interpretation pertaining its ruling.

Madhab: A school of thought within Fiqh.

Manāt: Reason for something.

Mānī' (pl. Mawāni): Preventative; An act or an attribute whose presence either nullifies the hukm or the cause of the hukm. For example, difference of religion, and killing are both obstacles to inheritance.

Maslaha: A benefit; something beneficial.

Mubtadi': A innovator.

Mufassirūn: The scholars who explain the Qur'ān.

Muhaddith: A scholar of hadīth.

Mujtahid: The one who performs Ijtihād; a scholar who can deduce independent verdicts directly from the primary Islāmic sources.

Mukallaf (Mukalafeen): A morally responsible person(s); held to account.

Munāfiq: Hypocrite; One who outwardly displays Islām but inwardly conceals disbelief. This is the worst type of hypocrisy and its possessor is the worst type of disbeliever, there are lesser types.

Mut'ah: Temporary marriage.

Mutawātir: A hadīth that has a large number of narrators at every stage of the Isnād, that it is impossible for them all to have agreed on a lie.

Qasd: Intent.

Qat'ee: Clear-cut (proofs).

Qiyās: Fiqh; Analogy.

Qudrah: Power/Ability.

Rajm: Punishment (ordained by Allāh).

Riddah: Apostasy.

Risālah: The message sent by Allāh.

Riyā': Showing off; for example, a person beautifying actions of worship because he knows people are watching.

Rukū': The position of bowing in praying.

Sabab: Cause of something; Defined as an attribute which is evident and constant as the indicator of a hukm and its presence necessitates the presence of the hukm, and its absence means that the hukm is also absent, e.g. murder and theft for Qisās and a hadd penalty respectively.

Sahābah: The companions of the Prophet (صلى الله عليه وسلم); Those who believed in the Prophet, saw him, and accompanied him during the time he was alive, and who died as a Muslim.

Sāhir: A magician.

Salaf: The righteous predecessors; referring to the first three generations of Muslims after the Prophet.

Shahādah: The declaration that none has the right to be worshipped except Allāh, and that Muhammad (صلى الله عليه وسلم) is the Messenger of Allāh.

Sahīh: A hadīth that has met the criteria of authenticity and can be used as a legal proof.

Shart (pl. Shurūt): Condition; A evident and constant attribute whose absence necessitates the absence of the hukm but whose presence does not automatically bring about its object. For example, the presence of a valid marriage is a precondition of divorce.

Shart Sihhah: Condition that validates the prayer.

Shart Wujūb: Condition that obligates the prayer.

Shirk: Directing a right that is due to Allāh Alone to another object of creation, either completely or partially. It can be major (removing a person from the fold of Islām), or minor (not removing a person from the fold of Islām).

Sujūd: The position of prostration.

Tābi'ī: Successor — met 1 or more of the Sahābah.

Tafsīr: The (science of the) explanation of the Qur'ān.

Tāghūt: Everything that is worshipped besides Allāh; As Ibn al-Qayyim stated: It is everything in which man exceeds his limits, whether it being worshiped, followed, or obeyed. So the Tāghūt of every community is he from whom judgement is sought, instead of what Allāh and His Messenger have ruled; or those whom they worship besides Allāh; or whom they follow without a proof from Allāh; or whom they obey, while not knowing if it is in accordance to the Judgment of Allāh. So these are the Tawāghīt of the world; if you were to contemplate regarding them and see the conditions of the people with them, you would see that most of them have turned away from worshiping Allāh Alone, to worshiping the Tāghūt; away from seeking judgment from Allāh and His Messenger, to seeking judgment from the Tāghūt; away from obeying Him and following His Messenger, to obeying and following the Tāghūt." [Refer to "I'lām Al-Muwaqqi'īn" (1/50)]

Tahākum: Referring/Seeking judgement to/from something.

Tahsīn & Taqbīh: Refers to the default ruling of matters before Risālah.

Takfīr: Ascribing someone to Kufr.

Takfīr bil-Lāzim: Considering something as Kufr via its implication by statements or actions.

Taklīf: The age of being held to account.

Tawhīd: The belief in the absolute Oneness of Allāh. It is to believe that Allāh Alone is the Creator, Nourisher and Sustainer of the worlds; it is to believe that Allāh Alone deserves to be worshipped; and it is to believe that He has unique and perfect Names and Attributes that are above anything that one can imagine.

Taqlīd: Blind following.

Tawakkul: Trust and absolute reliance.

Ta'wīl: Explanation/elucidation (according to Mufassirūn); The reality of how something will occur and its result; Misinterpretation of something.

Thannī: Highly assumed (proofs).

'Urf: Customs (of a people).

Wājib: An obligation; an obligatory act, as stated by the majority of scholars of Usūl.

Wallāhul-Musta'ān: And Allāh's help is sought (Alone).

Yaqīn: Certainty; High assumption.